



2016/0280(COD)

29.3.2017

AMENDMENTS

301 - 609

Draft opinion
Marc Joulaud
(PE595.591v01-00)

Copyright in the Digital Single Market

Proposal for a directive
(COM(2016)0593 – C8-0383/2016 – 2016/0280(COD))

Amendment 301

Helga Trüpel

Proposal for a directive

Recital 40

Text proposed by the Commission

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers *tend to be* in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of *adequate* information by their contractual counterparts *or* their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

Amendment

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers *are* in a weaker *negotiating* contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of information by their contractual counterparts *and subsequent transferees or licensees, as well as by* their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers. *The reporting obligation should be transferred with the rights and therefore follow the work across all forms of exploitation, irrespective of who exploits it and in which territory.*

Or. en

Amendment 302

Zdzisław Krasnodebski

Proposal for a directive

Recital 40

Text proposed by the Commission

Amendment

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers tend to be in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their contractual counterparts *or* their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers tend to be in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their contractual counterparts ***and subsequent transferees or licensees, as well as by*** their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers. ***The reporting obligation should be transferred with the rights and therefore follow the work across all forms of exploitation irrespective of who exploits it and in which territory.***

Or. en

Amendment 303

Giorgos Grammatikakis, Sylvie Guillaume, Mary Honeyball, Luigi Morgano, Julie Ward, Silvia Costa, Theresa Griffin, Elena Gentile

Proposal for a directive Recital 40

Text proposed by the Commission

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers ***tend to be*** in a weaker

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contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their contractual counterparts *or* their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their contractual counterparts *and subsequent transferees or licenses, as well as* their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and *performers*. *The reporting and transparency obligation should follow the work across all forms of exploitation and across borders.*

Or. en

Amendment 304 **Isabella Adinolfi**

Proposal for a directive **Recital 40**

Text proposed by the Commission

(40) Certain rightholders such as authors and performers *need* information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. *As* authors and performers tend to be in a weaker contractual position when they grant licences or transfer their rights, *they need information* to assess the continued economic value of *their* rights, compared to the remuneration *received* for their licence or transfer, *but they often face a lack of transparency*. Therefore, the sharing of adequate information by their contractual counterparts or their successors in title is *important* for the transparency

Amendment

(40) Certain rightholders such as authors and performers *often face a lack of transparency regarding the* information *they need* to assess the economic value of their rights, which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. *Such information should be adequate, accurate and comprehensive in order to allow* authors and performers, *who* tend to be in a weaker contractual position when they grant licences or transfer their rights, to assess the continued economic value of *those* rights, compared to the remuneration *originally agreed* for their licence or transfer. Therefore, the sharing of adequate, *accurate and comprehensive*

and balance in the system that governs the remuneration of authors and performers.

information by their contractual counterparts or their successors in title is *essential* for the transparency, *equality and fairness* in the system that governs the remuneration of authors and performers.

Or. en

Amendment 305

Dietmar Köster

Proposal for a directive

Recital 40

Text proposed by the Commission

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers tend to be in a weaker *contractual* position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of *adequate* information by their contractual counterparts *or* their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

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(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers tend to be in a weaker *negotiating* position when they grant licences or transfer their rights *by contract*, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the *regular* sharing of information by their contractual counterparts *and subsequent transferees or licensees, as well as by* their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers

Or. en

Amendment 306

Zdzisław Krasnodebski

Proposal for a directive
Recital 40

Text proposed by the Commission

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers tend to be in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their contractual counterparts *or* their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

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Or. en

Amendment 307
Emma McClarkin, John Procter, Angel Dzhambazki

Proposal for a directive
Recital 40

Text proposed by the Commission

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers tend to be in a weaker contractual position when they grant

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licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their contractual counterparts or their successors in title is **important** for the transparency and balance in the system that governs the remuneration of authors and performers.

licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their **direct** contractual counterparts or their successors in title is **necessary** for the transparency and balance in the system that governs the remuneration of authors and performers.

Or. en

Amendment 308

Giorgos Grammatikakis, Sylvie Guillaume, Mary Honeyball, Julie Ward, Monika Smolková

Proposal for a directive Recital 41

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should **help** determine sector-specific requirements. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should determine sector-specific requirements **and standard reporting statements and procedures**. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under **Directive 2014/26/EU, on the condition that Member States have transposed Directive 2014/26/EU and**

taken all necessary measures to ensure that the management of all collective management organisations is carried out in a sound, prudent and appropriate manner. Member States should also ensure that collective management organisations act in the best interest of the right holders whose rights they represent and regularly, diligently and accurately distribute and pay amounts due to rightholders and make public an annual transparency report, in full compliance with Directive 2014/26/EU.

Or. en

Amendment 309
Helga Trüpel

Proposal for a directive
Recital 41

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should *consult* all relevant stakeholders *as that should help determine sector-specific requirements*. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States *should ensure that the representative organisations of all relevant stakeholders determine sector-specific requirements and establish standard reporting statements and procedures for each sector, fostering automated processing and making use of digital technologies and international identifiers of works*. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. *Member States should ensure a high degree of transparency within these sector specific transparency obligations. Moreover, the sharing of information should occur at least once a year. To enable the adaptation of current*

reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Or. en

Amendment 310
Dietmar Köster

Proposal for a directive
Recital 41

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should *consult* all relevant stakeholders *as that* should *help determine sector-specific requirements*. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should *ensure that the representative organisations of* all relevant stakeholders *determine sector-specific requirements and establish reporting standards and procedures for each sector. Member States should ensure a high degree of transparency within these sector specific transparency obligations. Moreover, the sharing of information should occur at least once a year.* Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment 311**Emma McClarkin, John Procter, Angel Dzhambazki****Proposal for a directive****Recital 41***Text proposed by the Commission*

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should **consult** all relevant stakeholders **as that should** help determine sector-specific requirements. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should **undertake appropriate consultation with** all relevant stakeholders, **since this will** help determine sector-specific requirements. **Where** collective bargaining **is not already established practice, it** should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations, as those are already subject to transparency obligations under Directive 2014/26/EU, **or where agreements concluded with individual authors or performers are based on or subject to collective bargaining agreements.**

Amendment 312**Isabella Adinolfi****Proposal for a directive****Recital 41**

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that ***should*** help determine sector-specific requirements. Collective bargaining ***should*** be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period ***should*** be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that ***may*** help determine sector-specific requirements. Collective bargaining ***may*** be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period ***may*** be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Or. en

Amendment 313

Sylvie Guillaume, Pervenche Berès, Virginie Rozière

Proposal for a directive

Recital 41 a (new)

Text proposed by the Commission

Amendment

(41a) Authors and performers are not in a position to negotiate on equal terms with their contractual counterparts or their successors in title. This situation is particularly evident in the audiovisual sector and the bargaining power of the authors and performers of audiovisual works is significantly weakened as a result. Therefore, without prejudice to the law applicable to contracts in Member States, a principle of fair remuneration specific to each mode of exploitation should be established and should apply, in particular, in cases where the

remuneration originally agreed under a licence or a transfer of rights is neither fair nor specific to each mode of exploitation. Remuneration should be fair and effective and should take account of the specific circumstances of each instance of exploitation as well as of the specificities and practices of the different content sectors. Where a licensing agreement does not include fair remuneration specific to modes of exploitation, the author or performer should be entitled to bring a claim before a court or other competent authority.

Or. fr

Amendment 314
Isabella Adinolfi

Proposal for a directive
Recital 41 a (new)

Text proposed by the Commission

Amendment

(41a) Considering the fundamental and prominent role of authors, creators and performers in the creative process, Member States should ensure that they are entitled to a fair and proportionate remuneration from the revenues derived from the exploitation of their works.

Or. en

Amendment 315
Emma McClarkin, John Procter

Proposal for a directive
Recital 42

Text proposed by the Commission

Amendment

(42) Certain contracts for the

(42) Certain contracts for the

exploitation of rights harmonised at Union level are of long duration, *offering few possibilities for authors and performers* to renegotiate them with their contractual counterparts or their successors in title. Therefore, *without prejudice to the law applicable to contracts in Member States, there* should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights *is disproportionately low compared* to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, *including in light of* the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

exploitation of rights harmonised at Union level are of long duration, *and authors and performers may not always be able* to renegotiate them with their contractual counterparts or their successors in title. Therefore, *where existing provisions for modification or annulment of contracts for the exploitation of rights do not already exist, Member States* should be *able to provide for* a remuneration adjustment mechanism for *appropriate cases of better than expected success* where the remuneration originally agreed under a licence or a transfer of rights *has become manifestly disproportionate* to the relevant *net* revenues and the benefits derived from the exploitation of the work or the fixation of the performance, *taking into account* the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. *It should also consider the significance and nature of the contribution of the author or performer to the overall work or performance and where there are ongoing payment obligations that allow earnings to grow with success, for example, mechanisms such as royalties or profit share. In addition, any remuneration adjustment mechanism need not apply to agreements concluded with individual authors or performers based on or subject to collective bargaining agreements.* Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Or. en

Amendment 316
Isabella Adinolfi

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. ***Such a mechanism should allow authors and performers, individually or through representative organisations, to claim additional and equitable remuneration.*** The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority ***with jurisdiction.***

Or. en

Amendment 317

Giorgos Grammatikakis

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. ***The adjustment mechanism should not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.*** Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Or. en

Amendment 318
Dietmar Köster

Proposal for a directive
Recital 42

Text proposed by the Commission

(42) ***Certain*** contracts for the exploitation of rights harmonised at Union level are of long duration, offering ***few***

Amendment

(42) ***Most*** contracts for the exploitation of rights harmonised at Union level are of long duration, offering ***no*** possibilities for

possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a **licence** or a transfer of rights is disproportionately low compared to the **relevant** revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. *The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors.* Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a **license** or a transfer of rights is disproportionately low compared to the **net** revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. *Collective bargaining should be considered as an option to reach an agreement.* Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Or. en

Amendment 319 Helga Trüpel

Proposal for a directive Recital 42

Text proposed by the Commission

(42) **Certain** contracts for the exploitation of rights harmonised at Union level are **of long** duration, offering **few** possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is

Amendment

(42) **Most** contracts for the exploitation of rights harmonised at Union level are **for the entire** duration **of copyright**, offering **no** possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is

disproportionately low compared to the **relevant** revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. ***The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors.*** Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

disproportionately low compared to the revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. ***Collective bargaining should be considered as an option to reach an agreement.*** Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Or. en

Amendment 320
Robert Rochefort

Proposal for a directive
Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues ***and the benefits*** derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the

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different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Or. fr

Amendment 321

Sylvie Guillaume, Pervenche Berès, Virginie Rozière

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues *and the benefits* derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

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Or. fr

Amendment 322

Marc Joulaud, Bogdan Brunon Wenta, Jean-Marie Cavada

Proposal for a directive

Recital 42 a (new)

Text proposed by the Commission

Amendment

(42a) Member States should guarantee the right for authors and performers to get a fair, proportional and unwaivable right to remuneration for the making available, and the relevant reproduction acts, of their work on on-demand services. Such a right to fair remuneration should be administered according to national practices or legal requirements, without prejudice to the existing mechanisms, such as voluntary collective management agreements or extended collective licences.

Or. en

Amendment 323

Zdzisław Krasnodębski

Proposal for a directive

Recital 43

Text proposed by the Commission

Amendment

(43) Authors and performers are often reluctant to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.

(43) Authors and performers are often reluctant to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism ***and that it is free of charge as well as accessible for authors and performers. Those claims could be filed both by individuals and by entities acting on behalf of authors and performers.***

Amendment 324
Dietmar Köster

Proposal for a directive
Recital 43

Text proposed by the Commission

(43) Authors and performers are often **reluctant** to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.

Amendment

(43) Authors and performers are often **unable** to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an alternative dispute resolution procedure that addresses claims **by authors, performers or their appointed representatives** related to obligations of transparency and the contract adjustment mechanism **and that it is free of charge as well as accessible for authors and performers. The dispute settlement resolution procedure can also be agreed in collective agreements.**

Amendment 325
Helga Trüpel

Proposal for a directive
Recital 43

Text proposed by the Commission

(43) Authors and performers are often **reluctant** to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.

Amendment

(43) Authors and performers are often **unable** to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism **and that it is free of charge as well as accessible for authors. The dispute**

settlement resolution can also be agreed in collective agreements.

Or. en

Amendment 326
Isabella Adinolfi

Proposal for a directive
Recital 43

Text proposed by the Commission

(43) Authors and performers are often reluctant to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for *an* alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.

Amendment

(43) Authors and performers are often reluctant to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for *a voluntary and public* alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.

Or. en

Amendment 327
Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive
Recital 44

Text proposed by the Commission

(44) *The objectives of this Directive, namely the modernisation of certain aspects of the Union copyright framework* to take account of technological developments and new channels of distribution of protected content *in the internal market, cannot be sufficiently achieved by Member States but can rather, by reason of their scale, effects and cross-border dimension, be better achieved at Union level.* Therefore, the

Amendment

(44) *Given that a Community copyright framework is already in place, Union action on the subject is justified by the aim of this Directive, namely* to take account of technological developments and new channels of distribution of protected content. Therefore, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set

Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

Or. fr

Amendment 328

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Recital 45

Text proposed by the Commission

(45) This Directive respects *the* fundamental rights *and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union*. Accordingly, this Directive should be interpreted and applied in accordance with those rights and principles.

Amendment

(45) This Directive respects fundamental rights *as provided for by the Member States' constitutional traditions*. Accordingly, this Directive should be interpreted and applied in accordance with those rights and principles.

Or. fr

Amendment 329

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive *lays down rules which aim at further harmonising* the Union law applicable to copyright and related rights *in the framework of the internal market*, taking into account in particular digital *and cross-border* uses of

Amendment

1. *The aim of* this Directive *is to modernise* the Union law applicable to copyright and related rights, taking into account in particular digital uses of protected content. It also lays down rules on exceptions and limitations, *and* on the

protected content. It also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring *a well-functioning marketplace for* the exploitation of works and other subject-matter.

facilitation of licences as well as rules aiming at ensuring *that the interests of all the stakeholders in* the exploitation of works and other subject-matter *are properly balanced*.

Or. fr

Amendment 330

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive Article 1 – paragraph 2

Text proposed by the Commission

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Amendment

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, **2000/31/EC**, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Or. en

Amendment 331

Isabella Adinolfi

Proposal for a directive Article 2 – paragraph 1

Text proposed by the Commission

(1) ‘research organisation’ means a university, a research institute or any other organisation the primary goal of which is to conduct scientific research or to conduct scientific research and provide educational services:

(a) on a non-for-profit basis or by reinvesting all the profits in its scientific

Amendment

deleted

research; or

(b) pursuant to a public interest mission recognised by a Member State; in such a way that the access to the results generated by the scientific research cannot be enjoyed on a preferential basis by an undertaking exercising a decisive influence upon such organisation;

Or. en

Amendment 332

Julie Ward, Theresa Griffin, Mary Honeyball

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

‘research organisation’ means a university, a research institute or any other organisation the primary goal of which is to conduct *scientific* research or to conduct *scientific* research and provide educational services:

Amendment

‘research organisation’ means a university, a research institute or any other organisation the primary goal of which is to conduct *academic* research or to conduct *academic* research and provide educational services:

Or. en

Amendment 333

Julie Ward, Theresa Griffin, Mary Honeyball

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) on a non-for-profit basis or by reinvesting all the profits in its *scientific* research; or

Amendment

(a) on a non-for-profit basis or by reinvesting all the profits in its *academic* research; or

Or. en

Amendment 334

Julie Ward, Theresa Griffin, Mary Honeyball

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

in such a way that the access to the results generated by the *scientific* research cannot be enjoyed on a preferential basis by an undertaking exercising a decisive influence upon such organisation;

Amendment

in such a way that the access to the results generated by the *academic* research cannot be enjoyed on a preferential basis by an undertaking exercising a decisive influence upon such organisation;

Or. en

Amendment 335

Emma McClarkin, Zdzisław Krasnodębski, John Procter, Angel Dzhambazki

Proposal for a directive

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) 'educational establishment' means a school, college, university, or any other organisation the primary goal of which is to provide educational services:

(a) on a not-for-profit basis or by reinvesting all the profits in such provision; or

(b) pursuant to a public interest mission recognised by a Member State.

Or. en

Amendment 336

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 2 – paragraph 2

Text proposed by the Commission

Amendment

(2) ‘text **and data** mining’ means any automated analytical technique aiming to analyse text **and data** in digital form in order to generate information such as patterns, trends and correlations;

(2) ‘text mining’ means any automated analytical technique aiming to analyse text in digital form in order to generate information such as patterns, trends and correlations;

Or. fr

Amendment 337

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) ‘beneficiary’ means any individual or entity, public or private, with lawful access to mined content;

Or. en

Amendment 338

Silvia Costa

Proposal for a directive

Article 2 – paragraph 3

Text proposed by the Commission

Amendment

(3) ‘cultural heritage institution’ means **a publicly accessible library or museum, an archive or a film or audio heritage institution;**

(3) ‘cultural heritage institution’ means **an organisation whose primary objective is to protect and promote the cultural heritage and which, by virtue of its remit, carries out study and research activities:**
(a) on a not-for-profit basis or by reinvesting all the profits in its scientific research, studies, protection and promotion of the cultural heritage, or (b) pursuant to a public interest mission recognised by a Member State, in such a way that the access to the results generated by the studies or research cannot be enjoyed on a preferential basis

by an undertaking exercising a decisive influence upon such organisation;

Or. it

Amendment 339

Martina Michels, Kostadinka Kuneva

Proposal for a directive

Article 2 – paragraph 3

Text proposed by the Commission

(3) ‘cultural heritage institution’ means a publicly accessible library *or* museum, *an archive* or a film or audio heritage institution;

Amendment

(3) ‘cultural heritage institution’ means a publicly accessible library, *archive*, museum *or gallery* or a film or audio heritage institution, *as well as a media library of a public service broadcaster*;

Or. en

Amendment 340

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 2 – paragraph 3

Text proposed by the Commission

(3) ‘cultural heritage institution’ means a publicly accessible library or museum, an archive or a film or audio heritage institution;

Amendment

(3) 'cultural heritage institution' means a publicly accessible library, or museum *or gallery, an educational establishment*, an archive or a film or audio heritage institution, *or a public service broadcaster*;

Or. en

Amendment 341

Emma McClarkin, Zdzisław Krasnodębski, John Procter, Angel Dzhambazki

Proposal for a directive

Article 2 – paragraph 3

Text proposed by the Commission

(3) ‘cultural heritage institution’ means a publicly accessible library **or museum**, an archive or a film or audio heritage institution;

Amendment

(3) ‘cultural heritage institution’ means a publicly accessible library, ***museum, gallery or educational establishment***, an archive or a film or audio heritage institution, ***or a public service broadcaster***;

Or. en

Amendment 342

Momchil Nekov

Proposal for a directive

Article 2 – paragraph 3

Text proposed by the Commission

(3) ‘cultural heritage institution’ means a publicly accessible library **or museum**, an archive or a film or audio heritage institution;

Amendment

(3) ‘cultural heritage institution’ means a publicly accessible library, ***museum or local cultural centre***, an archive or a film or audio heritage institution;

Or. en

Amendment 343

Petra Kammerevert

Proposal for a directive

Article 2 – paragraph 4

Text proposed by the Commission

(4) ‘***press publication***’ means a ***fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media***

Amendment

deleted

under the initiative, editorial responsibility and control of a service provider.

Or. de

Amendment 344
Andrea Bocskor

Proposal for a directive
Article 2 – paragraph 4

Text proposed by the Commission

Amendment

(4) *‘press publication’ means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.* *deleted*

Or. en

Justification

The introduction of a new neighbouring right for publishers regarding the online uses of certain specified publications as defined in this definition and in the related recitals cannot be supported. The planned new right would make a distinction between different types of journalistic publications and it would not be based on whether such publications are protected by copyright, but on certain other criteria.

Amendment 345
Isabella Adinolfi

Proposal for a directive
Article 2 – paragraph 4

Text proposed by the Commission

Amendment

(4) ‘press publication’ means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.

deleted

Or. en

Amendment 346

Sabine Verheyen, Christian Ehler, Angelika Niebler, Jeroen Lenaers, Herbert Reul

Proposal for a directive

Article 2 – paragraph 4

Text proposed by the Commission

Amendment

(4) ‘press publication’ means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.

(4) ‘press publication’ means a fixation of a collection of literary works of a journalistic nature ***produced by one or several authors***, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.

Or. en

Amendment 347
Andrea Bocskor

Proposal for a directive
Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) 'digital content platform' means an information society service as defined in Article 2(a) of Directive 2000/31/EC, the principal purpose of which is to provide the general public, via electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC, with a significant amount of user-generated content, copyright-protected works or other subject-matter uploaded or displayed by its users, with or without the consent or knowledge of rightholders.

Or. en

Amendment 348
Luigi Morgano, Silvia Costa

Proposal for a directive
Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) 'lawful access' means access to content acquired with the consent of the rightholder.

Or. en

Justification

It's important to define the concept of "lawful access" to clarify conditions under which content is acquired in a lawful manner. Users should not be using exceptions to further use copyright protected works.

Amendment 349

Dominique Bilde, Marie-Christine Boutonnet

**Proposal for a directive
Title 3**

Text proposed by the Commission

Amendment

MEASURES TO ADAPT EXCEPTIONS
AND LIMITATIONS TO THE DIGITAL
AND CROSS-BORDER
ENVIRONMENT

MEASURES TO ADAPT EXCEPTIONS
AND LIMITATIONS TO THE DIGITAL
ENVIRONMENT

Or. fr

**Amendment 350
Dominique Bilde, Marie-Christine Boutonnet**

**Proposal for a directive
Article 3 – title**

Text proposed by the Commission

Amendment

Text **and data** mining

Text mining

Or. fr

**Amendment 351
Giorgos Grammatikakis, Sylvie Guillaume, Luigi Morgano, Julie Ward, Silvia Costa,
Elena Gentile**

**Proposal for a directive
Article 3 – paragraph 1**

Text proposed by the Commission

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have **acquired** lawful **license-based** access for the

research.

purposes of *non-commercial* scientific research.

Or. en

Amendment 352

Silvia Costa

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations *and cultural heritage institutions* in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Or. it

Amendment 353

Robert Rochefort

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other

subject-matter to which they have lawful access for *the* purposes of scientific research.

subject-matter to which they have lawful access for *non-commercial* purposes of scientific research.

Or. fr

Justification

The amendments proposed have the aim of limiting the scope of the exception to use for non-commercial purposes, in order not to call into question rightholders' capacity to develop licences which can cover commercial uses.

Amendment 354

Isabella Adinolfi

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article **11(1) of this** Directive for reproductions and extractions made by **research organisations** in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, and Article **4(1)(a) of Directive 2009/24/EC**, for reproductions and extractions made by **persons or legal entities** in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Or. en

Amendment 355

Sabine Verheyen, Herbert Reul, Christian Ehler, Angelika Niebler

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles

5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have ***acquired*** lawful access for the purposes of scientific research.

Or. en

Amendment 356

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions ***made by research organisations*** in order to carry out text and data mining of works or other subject-matter to which they have lawful access ***for the purposes of scientific research***.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, ***Article 4(1) of Directive 2009/24/EC*** and Article 11(1) of this Directive for reproductions and extractions in order to carry out text and data mining of works or other subject-matter to which they have lawful access.

Or. en

Amendment 357

Julie Ward, Theresa Griffin, Mary Honeyball

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles

5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of *scientific* research.

5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of *academic* research.

Or. en

Amendment 358

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States *shall* provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text *and data* mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Amendment

1. Member States *may* provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Or. fr

Amendment 359

Zdzisław Krasnodębski

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles

5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by **research organisations** in order to carry out text and data mining of works or other subject-matter to which they have lawful access **for the purposes of scientific research**.

5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by **public entities, private entities or individuals** in order to carry out text and data mining of works or other subject-matter to which they have lawful access.

Or. en

Amendment 360

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive Article 3 – paragraph 2

Text proposed by the Commission

2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

Amendment

2. Any contractual provision **or technical protection** contrary to the exception provided for in paragraph 1 shall be unenforceable.

Or. en

Amendment 361

Isabella Adinolfi

Proposal for a directive Article 3 – paragraph 3

Text proposed by the Commission

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.

Amendment

3. Rightholders shall **not** be allowed to apply **technological** measures to **prevent or hinder beneficiaries from benefiting from the exception provided for in paragraph 1, unless to** ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures **shall be transparent, non-discriminatory and proportionate and** shall not go beyond

what is necessary to achieve that objective.

Or. en

Amendment 362

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. ***Such measures shall not go beyond what is necessary to achieve that objective.***

Amendment

3. Rightholders shall ***not*** be allowed to apply measures to ***prevent or to hinder beneficiaries from benefiting from the exception provided for in paragraph 1, unless such measures are to*** ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted.

Or. en

Amendment 363

Isabella Adinolfi

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall encourage rightholders and ***research organisations*** to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Amendment

4. Member States shall encourage rightholders and ***beneficiaries*** to define commonly-agreed best practices ***across the Union*** concerning the ***development of technologies implementing the exception provided for in paragraph 1 as well as the*** application of the measures referred to in paragraph 3. ***These best practices shall be made easily and effectively accessible to the public.***

Or. en

Amendment 364

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall encourage rightholders and **research organisations** to define commonly-agreed best practices concerning **the application of the measures referred to in paragraph 3**.

Amendment

4. Member States shall encourage rightholders and **beneficiaries** to define commonly-agreed best practices concerning **text and data mining protocols. Such best practice text and data mining protocols may be harmonised at Union level**.

Or. en

Amendment 365

Zdzisław Krasnodębski

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall encourage rightholders **and** research organisations to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Amendment

4. Member States shall encourage rightholders, research organisations, **and other interested parties** to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Or. en

Amendment 366

Emma McClarkin, John Procter, Angel Dzhambazki

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall encourage rightholders and research organisations to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

4. Member States shall encourage rightholders and research organisations to ***work together to*** define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Or. en

Amendment 367

Luigi Morgano, Silvia Costa, Giorgos Grammatikakis

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Copies of content obtained under the provision of paragraph 1 can be stored and preserved in a secure way for the time needed to perform the research. Research organisations should delete the content reproduced for the purpose of text and data mining once all the activities necessary for the research have been performed.

Or. en

Justification

While maintaining the exceptions, a clause is needed to ensure that content resulting from downloads by research organisations are permanently deleted within a reasonable space of time after conducting a TDM exercise.

Amendment 368

Andrea Bocskor

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States may provide for fair compensation for the harm incurred by rightholders due to the use of their

works or other subject-matter pursuant to paragraph 1.

Or. en

Justification

The amendment suggested by the rapporteur would be better if the decision on the introduction of compensation was left to the Member States. Such an approach could also consider the differences between the Member States in this area and would leave them a possibility to adjust their system even after the implementation of the Directive, according to future experiences and developments.

Amendment 369
Isabella Adinolfi

Proposal for a directive
Article 4 – title

Text proposed by the Commission

Use of works and other subject-matter in digital and cross-border teaching activities

Amendment

Use of works and other subject-matter in digital and cross-border teaching activities ***and scientific research***

Or. en

Amendment 370
Zdzisław Krasnodębski

Proposal for a directive
Article 4 – title

Text proposed by the Commission

Use of works and other subject-matter in ***digital and cross-border*** teaching activities

Amendment

Use of works and other subject-matter in teaching activities

Or. en

Amendment 371
Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 4 – title

Text proposed by the Commission

Use of works and other subject-matter in
digital and cross-border teaching activities

Amendment

Use of works and other subject-matter in
teaching activities

Or. en

Amendment 372

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 4 – title

Text proposed by the Commission

Use of works and other subject-matter in
digital ***and cross-border*** teaching activities

Amendment

Use of works and other subject-matter in
digital teaching activities

Or. fr

Amendment 373

Robert Rochefort

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter, ***or of extracts thereof, with the exception of content intended chiefly for the educational market and the market in musical scores,*** for the sole purpose of illustration for teaching, to the extent

justified by the non-commercial purpose to be achieved, provided that the use:

Or. fr

Justification

The exception for musical scores provided for in Directive 2001/29 should be maintained in order to take account of the economic vulnerability of this sector. Works intended for educational purposes should not be covered by the exception, because their use in class constitutes primary exploitation of the work and is their main source of economic reward. The scope and extent of quotation from the work should also be indicated.

Amendment 374

Sylvie Guillaume, Pervenche Berès, Virginie Rozière

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter, ***or of extracts thereof, with the exception of content intended chiefly for the educational market and the market in musical scores***, for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. fr

Amendment 375

Isabella Adinolfi

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception **or limitation** to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC **and Article 11(1) of this Directive** in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC **and** Article 4(1) of Directive 2009/24/EC, in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching **or scientific research, including private study**, to the extent justified by the non-commercial purpose to be achieved, provided that the use **is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible.**

Or. en

Amendment 376

Yana Toom, Catherine Stihler, Dita Charanzová, Jasenko Selimovic

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching **or scientific research**, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 377
Zdzisław Krasnodebski

Proposal for a directive
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the **digital** use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the use of works and other subject-matter for the sole purpose of illustration for teaching **or scientific research**, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 378
Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of **extracts from** works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. fr

Amendment 379
Luigi Morgano, Silvia Costa

Proposal for a directive
Article 4 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) is limited, for written works, printed and digital, to short parts of a work or small scale works and individual articles from newspapers and periodicals which are not made available individually and separately by rightholders,

Or. en

Justification

Regarding the length of the works that educational institutions are permitted to reproduce, currently several Member States refer to the whole or a fragment of articles and visual art and short excerpts of works, either in their laws or in their agreements. As this exception is being made mandatory, only short extracts of works or short works can be the object of the exception.

Amendment 380
Dominique Bilde

Proposal for a directive
Article 4 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) is limited, in the case of written, printed and digital works, to brief extracts or short works;

Or. fr

Amendment 381
Isabella Adinolfi

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;*

deleted

Or. en

Amendment 382

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place on *the* premises *of* an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

(a) takes place on premises *where the teaching activities of* an educational establishment *recognised by the Member State in which it is established are carried out* or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Or. fr

Amendment 383

Zdzisław Krasnodębski

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place *on the premises* of an educational establishment or through a secure electronic network accessible only by *the educational establishment's pupils or students* and teaching staff;

(a) takes place *in a learning space* of an educational establishment, *research organisation or cultural heritage institution, recognised as such by the Member State which territory they are established,* or through a secure electronic

network accessible only by
their learners and teaching staff;

Or. en

Amendment 384

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Amendment

(a) takes place on the premises of an educational establishment or ***other educational venue, such as cultural heritage institutions, or*** through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff, ***or registered members of the cultural heritage institution involved in non-formal or informal education;***

Or. en

Amendment 385

Luigi Morgano, Silvia Costa, Giorgos Grammatikakis

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff ***directly involved in the teaching activities where the work is being used;***

Or. en

Justification

In order for the exception to achieve its illustrative purpose, only the students or pupils who are participating in particular teaching activities in which the work is used, and not all the students and pupils of the educational establishment, should have access to the copied works.

Amendment 386

Luigi Morgano, Silvia Costa

Proposal for a directive

Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) is limited to the duration justified by the illustrative purpose;

Or. en

Justification

In order for the exception to achieve its illustrative purpose, only the students or pupils who are participating in particular teaching activities in which the work is used should have access, limited to the duration justified by the illustrative purpose, to the copied works.

Amendment 387

Isabella Adinolfi

Proposal for a directive

Article 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible. ***deleted***

Or. en

Amendment 388

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible.

Amendment

(b) *[Does not affect the English version]*

Or. fr

Amendment 389

Giorgos Grammatikakis, Sylvie Guillaume, Mary Honeyball, Luigi Morgano, Julie Ward, Silvia Costa, Theresa Griffin, Monika Smolková

Proposal for a directive

Article 4 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) ensures the fair remuneration of the rightholders for the use of their works or other subject-matter.

Or. en

Amendment 390

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Any contractual provision contrary to the exception provided for in paragraph 1 shall be inapplicable. The exception provided for in paragraph 1 shall not apply in cases where licences are available.

Or. fr

Amendment 391

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Any contractual provision contrary to the exception set out in paragraph 1 shall be unenforceable.

Or. en

Amendment 392

Isabella Adinolfi

Proposal for a directive

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

Or. en

Amendment 393

Isabella Adinolfi

Proposal for a directive

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market. ***deleted***

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

Or. en

Amendment 394

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States *may* provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

Amendment

Member States *shall* provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising *at least* the acts described in paragraph 1 are easily available in the market.

Or. fr

Amendment 395

Luigi Morgano, Silvia Costa, Giorgos Grammatikakis

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States *may* provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

Amendment

Member States *shall* provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

Justification

In a situation where rightholders offer licences to the educational institutions, these licences should always prevail over the exceptions, and when a licence is not provided, compulsory compensation should be provided, as this exception is being made mandatory. Otherwise the impact on the market is too substantial, especially for works only having a limited market, such as text books.

Amendment 396 **Robert Rochefort**

Proposal for a directive **Article 4 – paragraph 2 – subparagraph 1**

Text proposed by the Commission

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that *adequate* licences authorising the acts described in paragraph 1 are *easily* available in the market.

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that licences authorising the acts described in paragraph 1 are available in the market.

Or. fr

Amendment 397 **Sylvie Guillaume, Pervenche Berès, Virginie Rozière**

Proposal for a directive **Article 4 – paragraph 2 – subparagraph 1**

Text proposed by the Commission

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that *adequate* licences authorising the acts described in paragraph 1 are *easily* available in the

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that licences authorising the acts described in paragraph 1 are available in the market.

market.

Or. fr

Amendment 398

Andrea Bocskor

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

For the purposes of applying paragraph 2, Member States shall actively assist in facilitating dialogue between rightholders and educational establishments with a view to establishing specific licences authorising the acts described in paragraph 1. Member States are encouraged to ensure the visibility of the licences authorising the acts described in paragraph 1 through appropriate tools, such as a single portal or database accessible to educational establishments, where the available licences shall be listed and kept up-to-date.

Or. en

Justification

The amendments are supported with the above indicated changes. The example does not seem to be necessary in the first subparagraph, the general obligation is enough. The third subparagraph should not be added because the eligibility to invoke an exception should not be based on the visibility of licenses under any circumstances, but should solely depend on whether the relevant act falls under any existing exception.

Amendment 399

Giorgos Grammatikakis, Julie Ward, Monika Smolková

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

Member States availing themselves of the provision of the first subparagraph shall ***create a single portal or database where available licences for teaching activities are kept up-to-date and shall ensure that these databases or portals are accessible by educational establishments. Member States shall*** take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

Or. en

Amendment 400

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States ***availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.***

Amendment

Member States ***may exclude materials intended chiefly for the educational market from the exception or limitation provided for in Article 1.***

Or. fr

Amendment 401

Yana Toom, Catherine Stihler, Dita Charanzová, Jasenko Selimovic

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure

Amendment

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure

appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

appropriate availability, ***accessibility*** and visibility of the licences authorising the acts described in paragraph 1 for educational establishments ***and cultural heritage institutions***.

Or. en

Amendment 402

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

For the purposes of applying paragraph 2, Member States shall actively assist in ensuring the availability of licences authorising, at least, the acts covered by paragraph 1, for example by acquiring collective licences on behalf of the educational establishments established on their territory or by facilitating dialogue between rightholders and educational establishments with a view to establishing specific authorisations for the acts covered by paragraph 1. Member States shall ensure the visibility of the licences authorising the acts covered by paragraph 1 through appropriate tools, such as a single portal or database accessible to educational establishments, where the available licences shall be listed and kept up to date.

Or. fr

Amendment 403

Yana Toom, Catherine Stihler, Dita Charanzová, Jasenko Selimovic

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2 a (new)

No sooner than ... [three years after the date of entry into force of this Directive], and in consultation with all stakeholders, the Commission shall report on the availability of such licences, with a view to proposing improvements if needed.

Or. en

Amendment 404

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment is established.

Amendment

3. The use of ***extracts from*** works and other subject-matter for the sole purpose of illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment is established.

Or. fr

Amendment 405

Isabella Adinolfi

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. The use of works and other subject-matter for the sole purpose of illustration for teaching ***through secure electronic networks*** undertaken in compliance with the provisions of national law adopted

Amendment

3. The use of works and other subject-matter for the sole purpose of illustration for teaching ***or scientific research, including private study,*** undertaken in compliance with the provisions of national

pursuant to this Article shall be deemed to occur solely in the Member State where the *educational establishment* is established.

law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the *beneficiary* is established.

Or. en

Amendment 406
Helga Trüpel

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States *may* provide for fair compensation *for the harm incurred by the* rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States *shall* provide for fair compensation *to authors and rightholders* due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

Amendment 407
Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States may provide for fair compensation *for the harm incurred by the* rightholders *due* to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States may provide for fair compensation for *any unreasonable actions contrary to the legitimate interests of* rightholders *in relation* to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

Amendment 408
Isabella Adinolfi

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States may provide for fair compensation for ***the harm incurred by the*** rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States may provide for fair compensation for ***any unreasonable prejudice to the legitimate interests of*** rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

Amendment 409
Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States ***may*** provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States ***shall*** provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. fr

Amendment 410
Emma McClarkin, John Procter, Angel Dzhambazki

Proposal for a directive
Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States may provide for restrictions on the amount of a work that can be copied in accordance with fair practice. Such restrictions shall take into account the needs of both users and rightholders.

Amendment 411
Zdzisław Krasnodębski

Proposal for a directive
Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Any contractual provision contrary to the exception set out in paragraph 1 shall be unenforceable.

Or. en

Amendment 412
Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive
Article 5 – title

Text proposed by the Commission

Amendment

Preservation of cultural heritage

Reproduction by cultural heritage institutions and educational establishments, including cross-border activities

Or. en

Amendment 413
Zdzisław Krasnodębski

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article

4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the *sole* purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, ***research organisations and educational establishments*** to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation, ***as well as internal organisational reproductions for purposes related to the implementation of their public interest missions.***

Or. en

Amendment 414
Helga Trüpel

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, ***for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such*** preservation.

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, ***research organisations, or educational establishments,*** to make copies of ***or digitise*** any works or other subject-matter that are permanently in their collections, in any format or medium, ***to the extent necessary for such reproduction, for the purpose of, individually or collaboratively with others, carrying out their public interest mission in*** preservation, ***research, culture, education and teaching.***

Or. en

Amendment 415

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, ***for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.***

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions ***or educational establishments***, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, ***to the extent necessary for such reproduction, for the purpose of, individually or collaboratively with others, carrying out their public interest mission in preservation, research, culture, education and teaching.***

Or. en

Amendment 416

Emma McClarkin, John Procter

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, ***or beneficiary institutions using the facilities of a third party in another Member State***, to make copies of any works or other subject-matter that are permanently in their collections, in

subject-matter and to the extent necessary for such preservation.

any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Or. en

Amendment 417

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Member States **shall** provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Amendment

Member States **may** provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions **and libraries**, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Or. fr

Amendment 418

Giorgos Grammatikakis, Sylvie Guillaume

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and

Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation, ***without modifying them.***

Or. en

Amendment 419
Isabella Adinolfi

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC ***and Article 11(1) of this Directive***, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC ***and*** Article 4(1)(a) of Directive 2009/24/EC, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Or. en

Amendment 420
Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Any contractual provision contrary to the exception set out in paragraph 1 shall be unenforceable.

Or. en

Amendment 421
Isabella Adinolfi

Proposal for a directive
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

Or. en

Amendment 422
Isabella Adinolfi

Proposal for a directive
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Public lending of literary works

1. Member States shall provide for an exception to the rights provided in Article 1 of Directive 2006/115/EC, permitting public libraries to lend literary works in any format to the public, including remotely, where such literary works have been lawfully acquired. This is without prejudice to the provisions laid down in Article 6 of Directive 2006/115/EC.

2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

3. Member States shall, in consultation with authors, publishers and public libraries, ensure that public libraries can acquire and lend on reasonable terms, in any format, including remotely, all literary works which have already been lawfully made available to the public and have legally entered into their collections or to which they have legal access.

4. Member States shall report to the Commission on the steps taken according to paragraph 3. The Commission shall facilitate the exchange of best practices among Member States and make them easily and effectively accessible to the public.

Or. en

**Amendment 423
Helga Trüpel**

**Proposal for a directive
Article 5 a (new)**

Text proposed by the Commission

Amendment

Article 5a

Transformative Use

Member States shall provide for an exception or limitation to the rights provided for in Articles 2, 3 and point (k) of Article 5(3) of Directive 2001/29/EC, Article 7(1) of Directive 96/9/EC, point (a) of Article 4(1) of Directive 2009/24/EC and Article 13 of this Directive in order to allow the use of a work for the creation of a new work without authorisation provided that the pre-existing work only appears as a subordinate element of the new work. The new work shall indicate the source of the pre-existing work, including the author's name, unless this turns out to be impossible. For use in

accordance with this Article of a commercial nature, the user shall pay fair remuneration to the author.

Or. en

Amendment 424

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Document delivery by cultural heritage institutions and educational establishments

1. Member States shall provide an exception to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, or educational establishments to make reproductions in any format or medium upon request, for the sole purpose of a person's scientific research or private study, as long as the source, including the author's name is indicated, unless inclusion of the name is impractical.

2. Any contractual provision contrary to the exception set out in paragraph 1 shall be unenforceable.

Or. en

Amendment 425

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 5 b (new)

Text proposed by the Commission

Amendment

Article 5b

Access for the purposes of research or private study on the premises of cultural heritage institutions or educational establishments

- 1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive for the communication or making available of works and other subject matter contained in the collections of cultural heritage institutions, or educational establishments, for the purpose of research or private study, to members of the public on the premises of those institutions or establishments.***
- 2. Any contractual provision contrary to the exception set out in paragraph 1 shall be unenforceable.***

Or. en

Amendment 426

Isabella Adinolfi

Proposal for a directive

Article 5 b (new)

Text proposed by the Commission

Amendment

Article 5b

Freedom of panorama

- 1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, permitting the***

use, both online and offline, of works of architecture or sculpture, made to be located permanently in public places, for non-commercial purposes, to the extent justified by such uses.

2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

Or. en

Amendment 427
Helga Trüpel

Proposal for a directive
Article 5 b (new)

Text proposed by the Commission

Amendment

Article 5b

Use on hosting platforms

Any making available by natural persons to a limited public of small pieces of a work or small-scale works which have already been lawfully made available to the public shall be permitted without authorisation provided that such use is in accordance with fair practice and that the authors receive fair compensation.

Or. en

Justification

This amendment corresponds to Article 5, paragraph 2 - point (b) of Directive 2001/29/EC.

Amendment 428
Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive
Article 5 c (new)

Article 5c

Public lending of literary works

- 1. Member States shall provide for a limitation to the rights provided in Article 1 of Directive 2006/115/EC in order to allow the lending of literary works in any format to the public, where such works have been legitimately acquired. This is without prejudice to the provisions of Articles 6(2) and 6(3) of Directive 2006/115/EC.***
- 2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.***
- 3. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, and Article 11(1) of this Directive, permitting libraries to make reproductions of literary works in order to facilitate public lending where the literary works have been legitimately acquired, but are not available in the format or medium required as part of the lending service.***
- 4. Member States, libraries, authors and publishers shall work together to ensure that libraries can acquire and lend on reasonable terms, including remotely, all commercially available literary works in any format, including digital, that have legally entered their collections or to which they have legal access. The Commission shall report on progress towards this goal no later than two years after ... [date of entry into force of this Directive].***

Or. en

Amendment 429

Giorgos Grammatikakis, Luigi Morgano, Julie Ward

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

Article 5(5) and the first, third and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.

Amendment

Article 5(5) and the first, third, ***fourth*** and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.

Or. en

Amendment 430
Helga Trüpel

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

Article 5(5) and the first, ***third*** and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.

Amendment

Article 5(5) and the first and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.

Or. en

Amendment 431
Giorgos Grammatikakis, Luigi Morgano, Julie Ward, Silvia Costa, Elena Gentile

Proposal for a directive
Article 6 – paragraph 1 – point 1 (new)

Text proposed by the Commission

Amendment

(1) This Directive provides for three mandatory exceptions as outlined in Articles 3, 4 and 5, namely for text and data mining, digital and cross-border teaching activities and preservation of cultural heritage purposes. The optional exceptions and limitation provided for in the Directive 2001/29/EC remain intact,

save for the specific elements introduced by Article 6 and Article 17 in relation to the afore-mentioned Articles 3, 4 and 5.

Or. en

Amendment 432

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Except in the cases covered by Article 17, this Directive shall leave intact and shall in no way affect the exceptions and limitations provided for in Article 5(2) and (3) of Directive 2001/29/EC, Articles 6 and 9 of Directive 96/9/EC and Articles 5 and 6 of Directive 2009/24/EC, including with regard to their being optional.

Or. fr

Amendment 433

Isabella Adinolfi

Proposal for a directive

Article 7 – title

Text proposed by the Commission

Amendment

Use of out-of-commerce works by cultural heritage institutions

Use of out-of-commerce works by cultural heritage institutions, *educational establishments or other non-commercial documentation centres*

Or. en

Amendment 434

Sylvie Guillaume, Pervenche Berès, Virginie Rozière

Proposal for a directive

Article 7 – title

Text proposed by the Commission

Amendment

Use of out-of-commerce works *by cultural heritage institutions*

Use of out-of-commerce works

Or. fr

Amendment 435

Robert Rochefort

Proposal for a directive

Article 7 – title

Text proposed by the Commission

Amendment

Use of out-of-commerce works *by cultural heritage institutions*

Use of out-of-commerce works

Or. fr

Amendment 436

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 7 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow cultural heritage institutions to distribute, communicate to the public or make available out-of-commerce works or other subject-matter permanently in the collection of the institution for non-

commercial purposes. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this paragraph before 22 December 2020.

Or. en

Amendment 437

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 7 – paragraph -1 a (new)

Text proposed by the Commission

Amendment

***-1a.** When applying the exception or limitation Member States shall take due account of remuneration schemes to compensate for any unreasonable actions contrary to the legitimate interests of rightholders, and ensure that all rightholders may at any time object to the use of any of their works or other subject-matter that are deemed to be out of commerce and be able to exclude the use of their works or other subject-matter.*

Or. en

Amendment 438

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 7 – paragraph -1 b (new)

Text proposed by the Commission

Amendment

***-1b.** Acts which would otherwise be permitted under paragraph 1 shall not be permitted if valid licences from collective management organisations are available authorising the acts in question and the cultural heritage institution responsible*

for those acts knew or ought to have been aware of that fact.

Or. en

Amendment 439

Isabella Adinolfi

Proposal for a directive

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide *that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the collection of the institution, such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation, provided that:*

Amendment

1. Member States shall provide *for an exception to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 4(1) of Directive 2009/24/EC, permitting cultural heritage institutions, educational establishments or other non-commercial documentation centres, to digitise, distribute, communicate to the public or make available out-of-commerce works or other subject-matter permanently in their collection for non-commercial purposes. When implementing the exception laid down in paragraph 1, Member States may provide for remuneration schemes to compensate any unreasonable prejudice to the legitimate interests of rightholders. Rightholders may at any time, on the basis of reasonable evidence, object to their works or other subject-matter being deemed to be out of commerce and be able to exclude the application of the exception laid down in paragraph 1.*

Or. en

Amendment 440

Robert Rochefort

Proposal for a directive

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide *that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution* for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the *collection of the institution, such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation*, provided that:

Amendment

1. Member States shall provide, *in agreement with rightholders, users and cultural heritage institutions, a legal mechanism whereby non-exclusive licences may be granted* for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the *collections of such institutions*, provided that:

Or. fr

Justification

The aim of these amendments is to make the rules on out-of-commerce works sufficiently flexible to leave Member States the requisite scope for establishing a regime in keeping with their respective legal traditions rather than obliging them to introduce arrangements based on the extension or the presumptive application of collective licensing.

Amendment 441

Sylvie Guillaume, Pervenche Berès, Virginie Rozière

Proposal for a directive

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide *that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution* for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the *collection of the institution, such a*

Amendment

1. Member States shall provide, *in agreement with rightholders, users and cultural heritage institutions, a legal mechanism whereby non-exclusive licences may be granted* for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the *collections of such institutions*, provided that:

non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation, provided that:

Or. fr

Amendment 442

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States ***shall*** provide that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the collection of the institution, such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation, provided that:

Amendment

1. Member States ***may, without prejudice to their national model for unavailable works,*** provide that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the collection of the institution, such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation, provided that:

Or. fr

Amendment 443

Sylvie Guillaume, Pervenche Berès, Virginie Rozière

Proposal for a directive

Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *the collective management organisation is, on the basis of mandates from rightholders, broadly representative of rightholders in the category of works or other subject-matter and of the rights which are the subject of the licence;* *deleted*

Or. fr

Amendment 444
Robert Rochefort

Proposal for a directive
Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *the collective management organisation is, on the basis of mandates from rightholders, broadly representative of rightholders in the category of works or other subject-matter and of the rights which are the subject of the licence;* *deleted*

Or. fr

Justification

The aim of these amendments is to make the rules on out-of-commerce works sufficiently flexible to leave Member States the requisite scope for establishing a regime in keeping with their respective legal traditions rather than obliging them to introduce arrangements based on the extension or presumptive application of collective licensing.

Amendment 445
Isabella Adinolfi

Proposal for a directive
Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *the collective management organisation is, on the basis of mandates* *deleted*

from rightholders, broadly representative of rightholders in the category of works or other subject-matter and of the rights which are the subject of the licence;

Or. en

Amendment 446
Isabella Adinolfi

Proposal for a directive
Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) equal treatment is guaranteed to all rightholders in relation to the terms of the licence; *deleted*

Or. en

Amendment 447
Isabella Adinolfi

Proposal for a directive
Article 7 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) all rightholders may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter. *deleted*

Or. en

Amendment 448
Isabella Adinolfi

Proposal for a directive

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of out-of-commerce works or other subject-matter, to the extent that operational non-exclusive licences, concluded between a collective management organisation, on behalf of its members, and a cultural heritage institution, an educational establishment or another non-commercial documentation centre, and authorising the uses provided for in paragraph 1, exist and are easily available. In this case, such non-exclusive licences may be extended or presumed to apply to rightholders of the same category as those covered by the licences who are not represented by the collective management organisation, provided that:

- (a) the collective management organisation is, on the basis of mandates from rightholders, broadly representative of rightholders in the category of works or other subject-matter and of the rights which are the subject of the licence;*
- (b) equal treatment is guaranteed to all rightholders in relation to the terms of the licence;*
- (c) all rightholders may at any time, on the basis of reasonable evidence, object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.*

Or. en

Amendment 449

Sylvie Guillaume, Pervenche Berès, Virginie Rozière

Proposal for a directive
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This legal mechanism may take the form of an extended collective licence or a presumption when a collective management organisation is, on the basis of mandates from rightholders, broadly representative of rightholders in the category of protected works or other subject-matter and of the rights which are the subject of the licence;

Or. fr

Amendment 450
Robert Rochefort

Proposal for a directive
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This legal mechanism may take the form of an extended collective licence or a presumption when a collective management organisation is, on the basis of mandates from rightholders, broadly representative of rightholders in the category of protected works or other subject-matter and of the rights which are the subject of the licence;

Or. fr

Justification

The aim of these amendments is to make the rules on out-of-commerce works sufficiently flexible to leave Member States the requisite scope for establishing a regime in keeping with their respective legal traditions rather than obliging them to introduce arrangements based on the extension or presumptive application of collective licensing.

Amendment 451

Isabella Adinolfi

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary channels of commerce ***and cannot be reasonably expected to become so.***

Amendment

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary, ***easily accessible***, channels of commerce. ***Out-of-commerce works shall also include works that have never been, or were never intended to be, in commerce.***

Or. en

Amendment 452

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, ***in all its translations, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.***

Amendment

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter ***is not available through customary channels in any form substitutable for the work permanently in the collection of a cultural heritage institution.*** ***Out of commerce works include both works that have previously been available commercially and works that have never been commercially available.***

Or. en

Amendment 453

Andrea Bocskor

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its ***translations***, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.

Amendment

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so ***in the Member States where the cultural heritage institution is established.***

Or. en

Justification

Translations should not be included in the first subparagraph, because this approach does not take into consideration the linguistic and cultural diversity of the Member States. This approach may have a negative effect on cultural diversity, because certain language versions of a work may disappear as they cannot be considered out-of-commerce while another language version is still available.

Amendment 454

Zdzisław Krasnodębski

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, ***in all its translations, versions and manifestations***, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.

Amendment

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.

Or. en

Amendment 455
Robert Rochefort

Proposal for a directive
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its *translations*, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.

Amendment

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.

Or. fr

Justification

The aim of these amendments is to make the rules on out-of-commerce works sufficiently flexible to leave Member States the requisite scope for establishing a regime in keeping with their respective legal traditions rather than obliging them to introduce arrangements based on the extension or presumptive application of collective licensing.

Amendment 456
Sylvie Guillaume, Pervenche Berès, Virginie Rozière

Proposal for a directive
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its *translations*, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.

Amendment

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.

Or. fr

Amendment 457
Isabella Adinolfi

Proposal for a directive
Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States shall, in consultation with rightholders, collective management organisations **and** cultural heritage institutions, ensure that the requirements used to determine whether works and other subject-matter can be ***licensed in accordance with paragraph 1*** do not extend beyond what is ***necessary and reasonable*** and do not preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce.

Amendment

Member States shall, in consultation with rightholders, collective management organisations, cultural heritage institutions, ***educational establishments or other non-commercial documentation centres***, ensure that the requirements used to determine whether works and other subject-matter can be ***deemed to be out of commerce***, do not extend beyond what is ***reasonable and proportionate*** and do not preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce.

Or. en

Amendment 458
Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive
Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States shall, in consultation with rightholders, collective management organisations and cultural heritage institutions, ensure that the requirements used to determine whether works and other subject-matter ***can be licensed in accordance with paragraph 1*** do not extend beyond what is necessary and reasonable and do not preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all

Amendment

Member States shall, in consultation with rightholders, collective management organisations and cultural heritage institutions, ensure that the requirements used to determine whether works and other subject-matter ***are out of commerce*** do not extend beyond what is necessary and reasonable ***and proportionate*** and do not preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the

works or other subject-matter in the collection are out of commerce.

collection are out of commerce.

Or. en

Amendment 459

Isabella Adinolfi

Proposal for a directive

Article 7 – paragraph 3 – introductory part

Text proposed by the Commission

3. Member States shall provide that appropriate publicity measures are taken regarding:

Amendment

3. Member States shall provide that appropriate ***and effective*** publicity measures are taken regarding:

Or. en

Amendment 460

Isabella Adinolfi

Proposal for a directive

Article 7 – paragraph 3 – point b

Text proposed by the Commission

(b) ***the*** licence, and in particular its application to unrepresented rightholders;

Amendment

(b) ***any*** licence, and in particular its application to unrepresented rightholders;

Or. en

Amendment 461

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 7 – paragraph 3 – point b

Text proposed by the Commission

(b) ***the*** licence, and in particular its application to unrepresented rightholders;

Amendment

(b) ***any*** licence, and in particular its application to unrepresented rightholders;

Amendment 462
Isabella Adinolfi

Proposal for a directive
Article 7 – paragraph 3 – point c – paragraph 1

Text proposed by the Commission

the possibility of rightholders to object,
referred to in point (c) of paragraph *1*;

Amendment

the possibility of rightholders to object,
referred to in ***paragraph 1, second subparagraph, and in*** point (c) of
paragraph ***1a***;

Or. en

Amendment 463
Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive
Article 7 – paragraph 3 – point c – paragraph 1

Text proposed by the Commission

the possibility of rightholders to object,
referred to in point (c) of paragraph *1*;

Amendment

the possibility of rightholders to object,
referred to in ***paragraph 2 and*** point (c) of
paragraph ***4***;

Or. en

Amendment 464
Sylvie Guillaume, Pervenche Berès, Virginie Rozière

Proposal for a directive
Article 7 – paragraph 3 – point c – paragraph 1

Text proposed by the Commission

the possibility of rightholders to object,
referred to in point (*c*) of paragraph 1;

Amendment

the possibility of rightholders to object,
referred to in point (*b*) of paragraph 1;

Amendment 465

Sylvie Guillaume, Pervenche Berès, Virginie Rozière

Proposal for a directive

Article 7 – paragraph 4 – introductory part

Text proposed by the Commission

4. Member States shall ensure that the licences referred to in paragraph 1 are sought *from a collective management organisation that is representative for* the Member State where:

Amendment

4. Member States shall ensure that the licences referred to in paragraph 1 are sought *in* the Member State where:

Amendment 466

Robert Rochefort

Proposal for a directive

Article 7 – paragraph 4 – introductory part

Text proposed by the Commission

4. Member States shall ensure that the licences referred to in paragraph 1 are sought *from a collective management organisation that is representative for* the Member State where:

Amendment

4. Member States shall ensure that the licences referred to in paragraph 1 are sought *in* the Member State where:

Justification

The aim of these amendments is to make the rules on out-of-commerce works sufficiently flexible to leave Member States the requisite scope for establishing a regime in keeping with their respective legal traditions rather than obliging them to introduce arrangements based on the extension or presumptive application of collective licensing.

Amendment 467

Isabella Adinolfi

Proposal for a directive

Article 7 – paragraph 4 – introductory part

Text proposed by the Commission

4. Member States shall ensure that the licences referred to in paragraph ***I*** are sought from a collective management organisation that is representative for the Member State where:

Amendment

4. Member States shall ensure that the licences referred to in paragraph ***Ia*** are sought from a collective management organisation that is representative for the Member State where:

Or. en

Amendment 468

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 7 – paragraph 4 – introductory part

Text proposed by the Commission

4. Member States shall ensure that the licences referred to in paragraph ***I*** are sought from a collective management organisation that is representative for the Member State where:

Amendment

4. Member States shall ensure that the licences referred to in paragraph ***4*** are sought from a collective management organisation that is representative for the Member State where:

Or. en

Amendment 469

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 7 – paragraph 4 – point a

Text proposed by the Commission

(a) the works or phonograms were first published or, in the absence of publication, where they were first broadcast, except for cinematographic and audiovisual works;

Amendment

(a) the ***majority of*** works or phonograms were first published or, in the absence of publication, where they were first ***created or*** broadcast, except for cinematographic and audiovisual works;

Amendment 470
Isabella Adinolfi

Proposal for a directive
Article 7 – paragraph 4 – point c

Text proposed by the Commission

(c) the cultural heritage institution is established, when a Member State or a third country could not be **determined, after reasonable efforts**, according to points (a) and (b).

Amendment

(c) the cultural heritage institution, **educational establishment or non-commercial documentation centre** is established, when a Member State or a third country could not be **easily determined** according to points (a) and (b).

Or. en

Amendment 471
Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive
Article 7 – paragraph 5

Text proposed by the Commission

5. Paragraphs 1, 2 and 3 shall not apply to the works or other subject-matter of third country nationals except where points (a) and (b) of paragraph 4 apply.

Amendment

deleted

Or. en

Amendment 472
Isabella Adinolfi

Proposal for a directive
Article 7 – paragraph 5

Text proposed by the Commission

Amendment

5. *Paragraphs 1, 2 and 3 shall not apply to the works or other subject-matter of third country nationals except where points (a) and (b) of paragraph 4 apply.* *deleted*

Or. en

Amendment 473
Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive
Article 8

Text proposed by the Commission

Amendment

Article 8 *deleted*

Cross-border uses

1. *Works or other subject-matter covered by a licence granted in accordance with Article 7 may be used by the cultural heritage institution in accordance with the terms of the licence in all Member States.*

2. *Member States shall ensure that information that allows the identification of the works or other subject-matter covered by a licence granted in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.*

3. *The portal referred to in paragraph 2 shall be established and managed by the European Union Intellectual Property Office in accordance with Regulation (EU) No 386/2012.*

Amendment 474

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

1. Works or other subject-matter ***covered by a licence granted*** in accordance with Article 7 may be used by the cultural heritage ***institution in accordance with the terms of the licence*** in all Member States.

Amendment

1. Works or other subject-matter ***used*** in accordance with Article 7 may be used by the cultural heritage ***institutions*** in all Member States.

Or. en

Amendment 475

Isabella Adinolfi

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

1. Works or other subject-matter ***covered by a licence granted*** in accordance with Article 7 ***may be used by the*** cultural heritage ***institution in accordance with the terms of the licence*** in all Member States.

Amendment

1. ***Out-of-commerce*** works or other subject-matter ***may be used***, in accordance with Article 7, ***by*** cultural heritage ***institutions*** in all Member States.

Or. en

Amendment 476

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 8 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that

Amendment

2. Member States shall ensure that

information that allows the identification of the works or other subject-matter ***covered by a licence granted*** in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States ***other than the one where the licence is granted, and for the whole duration of the licence.***

information that allows the identification of the works or other subject-matter ***used*** in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(2) ***and (4)(c)*** are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in ***all*** Member States.

Or. en

Amendment 477
Isabella Adinolfi

Proposal for a directive
Article 8 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that information that allows the identification of the works or other subject-matter ***covered by a licence granted*** in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made ***publicly*** accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States ***other than the one where the licence is granted, and for the whole duration of the licence.***

Amendment

2. Member States shall ensure that information that allows the identification of the works or other subject-matter ***used*** in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1), ***subparagraph 2, and Article 7(1a)(c)*** are made ***permanently, easily and effectively*** accessible in a ***public*** single online portal, ***and in any case*** for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States.

Or. en

Amendment 478
Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

Member States shall ensure a regular dialogue between representative users' and rightholders' organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the relevance and usability of the **licensing** mechanisms referred to in Article 7(1), ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).

Amendment

Member States shall ensure a regular dialogue between representative users' and rightholders' organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the relevance and usability of the mechanisms referred to in Article 7, **including resolving issues where cultural heritage institutions activities in line with Articles 7 and 8 are not being reasonably enabled**, to ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, **to** assist in the establishment of the requirements referred to in the second subparagraph of Article 7(6).

Or. en

Amendment 479
Isabella Adinolfi

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

Member States shall ensure a regular dialogue between representative users' and rightholders' organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the relevance and usability of the licensing mechanisms referred to in Article 7(1), ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article

Amendment

Member States shall ensure a regular dialogue between representative users' and rightholders' organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the **effectiveness of the measures applied to implement the exception referred to in Article 7, including the** relevance and usability of the licensing mechanisms referred to in Article 7(1), ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and,

7(2).

where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).

Or. en

Amendment 480

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 9 – paragraph 1

Text proposed by the Commission

Member States *shall* ensure a regular dialogue between representative users' and rightholders' organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the relevance and usability of the licensing mechanisms referred to in Article 7(1), ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).

Amendment

Member States *are advised to* ensure a regular dialogue between representative users' and rightholders' organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the relevance and usability of the licensing mechanisms referred to in Article 7(1), ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).

Or. fr

Amendment 481

Helga Trüpel

Proposal for a directive

Article -10 (new)

Text proposed by the Commission

Amendment

Article -10

Exploitation of audiovisual works on video-on-demand platforms

1. Member States shall ensure that producers and the transferees of the rights do their best to make European audiovisual works available to the public on at least one video-on-demand platform.

2. Member States shall take appropriate measures to ensure the application of paragraph 1, including by encouraging the conclusion of professional agreements between representative organisations of authors, including their collective management organisations and representative organisations of producers and other stakeholders, as well as video-on-demand platforms, in a larger context of continuous exploitation of audiovisual works.

Or. en

Amendment 482

Bogdan Brunon Wenta, Marc Joulaud, Sabine Verheyen

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the *assistance* of an impartial body with relevant experience. That body shall provide assistance with negotiation *and help reach* agreements.

Amendment

Member States shall ensure that where *relevant* parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the *facilitation* of an impartial body with relevant experience. That body shall provide assistance with negotiation *with a view to the conclusion of mutually acceptable* agreements.

Or. en

Amendment 483

Isabella Adinolfi

**Proposal for a directive
Article 10 – paragraph 1**

Text proposed by the Commission

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

Amendment

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial **public** body with relevant experience. That body shall provide **impartial and affordable** assistance with negotiation and help reach agreements.

Or. en

**Amendment 484
Petra Kammerevert**

**Proposal for a directive
Article 11**

Text proposed by the Commission

Article 11

***Protection of press publications
concerning digital uses***

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other

Amendment

deleted

rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.

4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. de

Amendment 485

Martina Michels, Kostadinka Kuneva

Proposal for a directive

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Protection of press publications concerning digital uses

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their

works and other subject-matter independently from the press publication in which they are incorporated.

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.

4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

Amendment 486
Andrea Bocskor

Proposal for a directive
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

***Protection of press publications
concerning digital uses***

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication

in which they are incorporated.

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply *mutatis mutandis* in respect of the rights referred to in paragraph 1.

4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

Justification

The introduction of a new neighbouring right for publishers regarding the online uses of certain specified publications as defined in Article 2 and in the related recitals is not reasonable. The planned new right would make a distinction between different types of journalistic publications and it would not be based on whether such publications are protected by copyright but on certain other criteria. Therefore it seem to be a parallel protection next to copyright on certain publications.

Amendment 487
Isabella Adinolfi

Proposal for a directive
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

***Protection of press publications
concerning digital uses***

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and

other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

3. *Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.*

4. *The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.*

Or. en

Amendment 488
Helga Trüpel

Proposal for a directive
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

***Protection of press publications
concerning digital uses***

1. *Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.*

2. *The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be*

invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

3. *Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.*

4. *The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.*

Or. en

Amendment 489

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Protection of press publications concerning digital uses

1. *Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.*

2. *The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not*

deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

3. *Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.*

4. *The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.*

Or. en

Amendment 490
Giorgos Grammatikakis, Julie Ward

Proposal for a directive
Article 11 – title

Text proposed by the Commission

Amendment

Protection of press publications
concerning digital uses

Protection of press publications

Or. en

Amendment 491
Zdzisław Krasnodębski

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. *Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of **their** press publications.*

1. *When a contract concerning a press publication is concluded, individually or collectively, by authors with a publisher, the author covered by this contract shall be presumed, subject to*

contractual clauses to the contrary, to have transferred his rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of *the* press publications.

Or. en

Amendment 492

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Member States *shall* provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Amendment

1. Member States *may, if they so decide*, provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Or. fr

Amendment 493

Emma McClarkin, John Procter

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Member States *shall* provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Amendment

1. Member States *may* provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Or. en

Justification

This amendment aims to return to the status quo, where Member States can opt to introduce, preferably following market impact assessment, a neighbouring right for press publishers.

Amendment 494

Giorgos Grammatikakis, Julie Ward

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the *digital* use of their press publications.

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the use of their press publications.

Or. en

Amendment 495

Sabine Verheyen, Christian Ehler, Angelika Niebler, Herbert Reul

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the *digital* use of their press publications.

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the use of their press publications.

Or. en

Amendment 496

Zdzisław Krasnodebski

Proposal for a directive

Article 11 – paragraph 2

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

deleted

Or. en

Amendment 497

Dominique Bilde, Marie-Christine Boutonnet

**Proposal for a directive
Article 11 – paragraph 2**

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in ***national legal systems and*** Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

Or. fr

Amendment 498

Zdzisław Krasnodębski

**Proposal for a directive
Article 11 – paragraph 3**

Text proposed by the Commission

Amendment

**3. Articles 5 to 8 of Directive
2001/29/EC and Directive 2012/28/EU
shall apply mutatis mutandis in respect of
the rights referred to in paragraph 1.**

deleted

Or. en

Amendment 499

Zdzisław Krasnodębski

**Proposal for a directive
Article 11 – paragraph 4**

Text proposed by the Commission

Amendment

**4. The rights referred to in
paragraph 1 shall expire 20 years after
the publication of the press publication.
This term shall be calculated from the
first day of January of the year following
the date of publication.**

deleted

Or. en

Amendment 500

Sabine Verheyen, Christian Ehler, Angelika Niebler

**Proposal for a directive
Article 11 – paragraph 4**

Text proposed by the Commission

Amendment

**4. The rights referred to in paragraph
1 shall expire **20** years after the publication
of the press publication. This term shall be
calculated from the first day of January of
the year following the date of publication.**

**4. The rights referred to in paragraph
1 shall expire **15** years after the publication
of the press publication. This term shall be
calculated from the first day of January of
the year following the date of publication.**

Amendment 501

Emma McClarkin, John Procter

Proposal for a directive

Article 11 – paragraph 4

Text proposed by the Commission

4. The rights referred to in paragraph 1 shall expire **20** years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Amendment

4. The rights referred to in paragraph 1 shall expire **3** years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

Justification

There is no evidence to support a 20 year duration. If a neighbouring right were to be introduced, it should be appropriate to the fast-pace of the industry in question.

Amendment 502

Giorgos Grammatikakis, Mary Honeyball, Julie Ward, Silvia Costa, Theresa Griffin, Elena Gentile, Monika Smolková

Proposal for a directive

Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States may ensure that a fair share of the revenue derived from the uses of press publishers' rights is attributed to journalists.

Or. en

Amendment 503

Isabella Adinolfi

Proposal for a directive

Article 12

Text proposed by the Commission

Amendment

Article 12

deleted

Claims to fair compensation

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Or. en

Amendment 504

Martina Michels, Kostadinka Kuneva

Proposal for a directive

Article 12

Text proposed by the Commission

Amendment

Article 12

deleted

Claims to fair compensation

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Or. en

Amendment 505

Luigi Morgano, Silvia Costa, Giorgos Grammatikakis

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Amendment

Member States may provide that where an author has transferred or licensed a right to a publisher, ***that publisher is a right holder by virtue and to the extent of*** such a transfer or a licence. ***Therefore, this transfer or licence*** constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception, ***statutory collective licensing*** or limitation to the transferred or licensed right.

Or. en

Justification

Publishers operate on the basis of the transfer of the author's copyright by a way of a contract which allows them to commercially exploit the work. In a situation where works are being used under exceptions or limitations (such as exceptions for reprography and private copy), publishers are usually deprived of revenues. This is also the case when uses are managed by statutory collective management.

Amendment 506

Sabine Verheyen, Christian Ehler, Angelika Niebler, Jeroen Lenaers, Herbert Reul

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Amendment

Member States may provide that where an author has transferred, ***assigned*** or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Or. en

Amendment 507

Proposal for a directive
Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through

stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Or. en

Amendment 508

Isabella Adinolfi

Proposal for a directive

Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant,

adequate reporting on the recognition and use of the works and other subject-matter.

2. *Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.*

3. *Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.*

Or. en

Amendment 509

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 13 – title

Text proposed by the Commission

Use of protected content *by* information society service providers *storing and giving access to large amounts of works and other subject-matter uploaded by their users*

Amendment

Use of **copyright** protected content **uploaded by users of** information society service providers

Or. en

Amendment 510

Giorgos Grammatikakis, Julie Ward

Proposal for a directive
Article 13 – title

Text proposed by the Commission

Use of protected content by information society service providers storing ***and*** giving access to ***large*** amounts of works and other subject-matter uploaded by their users

Amendment

Use of protected content by information society service providers storing ***and/or*** giving access to ***significant*** amounts of works and other subject-matter uploaded by their users

Or. en

Amendment 511

Sabine Verheyen, Christian Ehler, Angelika Niebler, Herbert Reul

Proposal for a directive
Article 13 – title

Text proposed by the Commission

Use of protected content by information society service providers ***storing and giving access to large amounts of*** works and other subject-matter uploaded by their users

Amendment

Use of protected content by information society service providers ***making available*** works and other subject-matter uploaded by their users

Or. en

Amendment 512

Silvia Costa, Luigi Morgano

Proposal for a directive
Article 13 – title

Text proposed by the Commission

Use of protected content by information society service providers storing and giving access to ***large amounts of*** works and other subject-matter uploaded by their users

Amendment

Use of protected content by information society service providers storing ***and/or*** giving access to works and other ***protected*** subject-matter uploaded by their users

Or. it

Amendment 513

Sylvie Guillaume, Pervenche Berès, Virginie Rozière

Proposal for a directive

Article 13 – title

Text proposed by the Commission

Use of protected content by information society service providers storing and giving access to ***large amounts of*** works ***and*** other subject-matter uploaded by their users

Amendment

Use of protected content by information society service providers storing and giving access to works ***or*** other subject-matter uploaded by their users

Or. fr

Amendment 514

Robert Rochefort

Proposal for a directive

Article 13 – title

Text proposed by the Commission

Use of protected content by information society service providers storing and giving access to ***large amounts of*** works ***and*** other subject-matter uploaded by their users

Amendment

Use of protected content by information society service providers storing and giving access to works ***or*** other subject-matter uploaded by their users

Or. fr

Amendment 515

Sylvie Guillaume, Pervenche Berès, Virginie Rozière

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to ***large amounts of*** works or

Amendment

1. Information society service providers that store and provide to the public access to ***protected*** works or other

other subject-matter uploaded by their users shall, in *cooperation* with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their *protected* works or other subject-matter or to *prevent the availability on their services* of protected works or other subject-matter identified by rightholders *through the* cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

subject-matter uploaded by their users shall *conclude fair and balanced agreements with all rightholders governing such content at the request of those rightholders, unless they are eligible for the liability exemption provided for in Article 14 of Directive 2000/31/EC. Under the terms of the agreements* with rightholders, *these service providers shall* take measures to ensure the functioning of agreements concluded with rightholders for the use of their *works or other subject-matter. These agreements should cover the liability of users of information society service providers when these users are not acting professionally for acts falling under Articles 2 and 3 of Directive 2001/29/EC that they perform. When information society service providers (i) play an active part but are not required to conclude a licence agreement by the holders of rights to works or other subject-matter stored by them and to which they provide public access, or (ii) are eligible for the liability exemption provided for in Article 14 of Directive 2000/31/EC, but store and provide to the public access to a large number of protected works or other subject-matter, these service providers shall take measures to prevent protected works or other subject-matter* identified by rightholders *in* cooperation with the service providers *from being made available by their services*. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter. *Rightholders shall provide information society service providers with all relevant and necessary details to ensure the functioning of measures taken by the service providers pursuant to this*

article.

Or. fr

Amendment 516

Robert Rochefort

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to **large amounts of** works or other subject-matter uploaded by their users shall, in **cooperation** with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their **protected** works or other subject-matter or to **prevent the availability on their services** of protected works or other subject-matter identified by rightholders **through the** cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Amendment

1. Information society service providers that store and provide to the public access to **protected** works or other subject-matter uploaded by their users shall **conclude fair and balanced agreements with all rightholders governing such content at the request of those rightholders, unless they are eligible for the liability exemption provided for in Article 14 of Directive 2000/31/EC. Under the terms of the agreements** with rightholders, **these service providers shall** take measures to ensure the functioning of agreements concluded with rightholders for the use of their **works or other subject-matter. These agreements should cover the liability of users of information society service providers when these users are not acting professionally for acts falling under Articles 2 and 3 of Directive 2001/31/EC that they perform. When information society service providers (i) play an active part but are not required to conclude a licence agreement by the holders of rights to** works or other subject-matter **stored by them and to which they provide public access, or (ii) are eligible for the liability exemption provided for in Article 14 of Directive 2000/31/EC, but store and provide to the public access to a large number** of protected works or other subject-matter, **these service providers shall take measures to prevent protected works or other subject-matter** identified by

rightholders *in* cooperation with the service providers *from being made available by their services*. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter. ***Rightholders shall provide information society service providers with all relevant and necessary details to ensure the functioning of measures taken by the service providers pursuant to this article.***

Or. fr

Justification

Cooperation between rightholders and platforms must be stepped up and defined more clearly so that it can be implemented effectively and in a balanced manner. The Commission proposal does not go far enough to ensure that copyright applies fully when users make material available on platforms which place a significant amount of content on line without the permission of the rightholders.

Amendment 517 **Stefano Maullu**

Proposal for a directive **Article 13 – paragraph 1**

Text proposed by the Commission

1. Information society service providers that store and ***provide*** to the public ***access to large amounts of*** works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter ***or*** to prevent the availability on their services of works or

Amendment

1. Information society service providers that store and ***make available*** to the public ***copyright protected*** works or other subject-matter, uploaded by their users, ***going beyond the mere technical, automatic and passive provision of physical facilities, shall be obliged to conclude licensing agreements with rightholders. Those service providers shall not benefit from the liability exemption***

other *subject-matter identified by rightholders through the cooperation with the service providers*. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

provided for in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council. Where information society service providers are eligible for the liability exemption provided for in Article 14 of Directive 2000/31/EC, they shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter *and* to prevent the availability on their services of works or other *protected subject-matter*. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. *All* the service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. it

Amendment 518
Dietmar Köster

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to *large* amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders *through the cooperation with the service providers*. Those measures,

Amendment

1. Information society service providers that store and provide to the public access to *significant* amounts of *copyright protected* works or other subject-matter uploaded by their users *and perform an act of communication to the public* shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or, *where such agreements have not been concluded*, to prevent the availability on their services of

such as the use of effective content recognition technologies, shall be appropriate **and proportionate**. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

works or other subject-matter identified by rightholders. Those measures, such as the use of effective content recognition technologies, shall be appropriate, **proportionate and compliant with the relevant industry standards**. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the **rightholders' own** works and other subject-matter **in a commonly agreed reporting format. The rightholders shall provide the service providers with the necessary data to allow the services to identify their content, such as reference files and metadata.**

Or. en

Amendment 519
Emma McClarkin, John Procter

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure **the** functioning of agreements concluded with rightholders for the use of their works or **other subject-matter or** to prevent the availability on their services of works **or** other **subject-matter identified by rightholders** through **the cooperation with** the service providers. **Those measures, such as the use of effective** content recognition technologies, shall be appropriate **and proportionate**. The service providers **shall** provide rightholders with

Amendment

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure **effective and transparent** functioning of agreements concluded with rightholders for the use of their works or to prevent the availability on their services of works. **In respect of musical works and other musical subject matter, these measures may include, through cooperation between those rightsholders and** the service providers, **preventing the availability of musical works and other musical subject matter on the service through tools, such**

adequate information on the functioning and the deployment of the measures, as well as, *when relevant, adequate reporting on the recognition and use of the works and other subject-matter.*

as content recognition technologies. *Such measures* shall be appropriate, *proportionate and evidence-based in order to avoid forming barriers to entry for emerging information society service providers.* The service providers *should* provide rightholders with adequate *and timely* information on the functioning and the deployment of the measures, as well as *reporting, which shall include data relating to those works held, matched, and used.* *Alongside such measures, Member States shall continue to encourage industry-led solutions to address sector-specific issues and the effective enforcement of existing measures to tackle piracy, including raising awareness of more legal routes to copyright protected content.*

Or. en

Justification

This amendment aims to narrow the scope of Article 13 where the use of content recognition is concerned in order to address the significant value gap evidenced in the music industry. The original proposal, through its breadth, risks inhibiting the digital economy and internet freedoms by suggesting something akin to a general obligation to monitor. This narrow approach addresses a sector-specific issue where there is evidence of need and where existing software has proven sufficiently effective.

Amendment 520

Silvia Costa, Luigi Morgano

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that *store* and *provide* to the public *access to large amounts* of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with

Amendment

1. Information society service providers that *play an active role in storing and/or making available* to the public – *including by optimising the presentation of the content – copyright protected* works or other subject-matter, uploaded by their users, *going beyond the*

rightholders for the use of their works or other subject-matter *or* to prevent the availability on their services of works or other *subject-matter identified by rightholders through the cooperation with the service providers*. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

mere technical, automatic and passive provision of physical facilities, shall conclude licensing agreements with rightholders. Those service providers shall not benefit from the liability exemption provided for in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council. Where information society service providers are not eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC, they shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter *and* to prevent the availability on their services of works or other *protected subject-matter*. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. it

Justification

Amendment designed to clarify the legal framework within which the limits on exemption from liability provided for by Directive 2000/31/EC apply and to describe the 'active hosting' role played by some intermediaries.

Amendment 521
Santiago Fisas Aixelà

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their

Amendment

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their

users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

users shall *sign licensing agreements with rightholders, with the exception of those who are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council. To ensure the smooth functioning of the agreements, information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall*, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. es

Amendment 522

Giorgos Grammatikakis, Mary Honeyball, Julie Ward, Theresa Griffin, Elena Gentile, Monika Smolková

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store **and** provide to the public access to **large** amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the

Amendment

1. Information society service providers that store **and/or** provide to the public access to **significant** amounts of works or other subject-matter uploaded by their users shall **conclude licensing agreements with rightholders. These**

functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

services shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter. ***Rightholders shall provide information society service providers with the reference file, metadata or any information necessary to ensure the effective functioning of those measures.***

Or. en

Amendment 523

Helga Trüpel

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to ***large*** amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with

Amendment

1. Information society service providers that store and provide to the public access to ***significant*** amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or ***where licensing agreements are not concluded take measures*** to prevent the availability on their services of works or other subject-

the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Amendment 524

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public ***access to large amounts of*** works or other subject-matter uploaded by their users shall, ***in cooperation with rightholders, take measures to ensure the functioning of*** agreements concluded with rightholders ***for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.***

Amendment

1. Information society service providers that store and provide ***access*** to the public ***to copyright protected*** works or other subject-matter uploaded by their users shall ***achieve fair and balanced*** agreements ***in cooperation*** with rightholders ***governing such content in order to ensure fair and appropriate compensation for the stakeholders concerned, unless they are eligible for the liability exemption provided for in Article 14 of Directive 2000/31/EC. The implementation of such agreements shall respect the users' fundamental rights and shall comply with Article 15 of Directive 2000/31/EC. The service providers shall cooperate and work together with rightholders to ensure that the functioning and implementation of such agreements are full and transparent.***

Or. en

Amendment 525

Sabine Verheyen, Christian Ehler, Angelika Niebler, Herbert Reul

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that ***store and provide*** to the public ***access to large amounts of*** works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Amendment

1. Information society service providers that ***make available*** to the public works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Amendment 526

Dietmar Köster

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where information society service providers take measures referred to in paragraph 1, such measures shall not

violate any privacy rights of the users, and shall be in compliance with Directives 95/46/EC and 2002/58/EC, as well as the General Data Protection Regulation 2016/679. Measures to prevent the availability of copyright protected works or other subject-matter shall be limited to preventing the availability of specifically identified and duly notified works and shall not consist in active monitoring of all the data of each user of the service.

Or. en

Amendment 527

Sylvie Guillaume, Pervenche Berès, Virginie Rozière

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

Amendment

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1. ***Any complaint filed under the mechanism shall be processed by the relevant rightholder within a reasonable period of time. The rightholder shall give evidence for the rights being upheld.***

Or. fr

Amendment 528

Robert Rochefort

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1. ***Any complaint filed under the mechanism shall be processed by the relevant rightholder within a reasonable period of time. The rightholder shall give evidence for the rights being upheld.***

Or. fr

Justification

Cooperation between rightholders and platforms must be stepped up and defined more clearly so that it can be implemented effectively and in a balanced manner. The Commission proposal does not go far enough to ensure that copyright applies fully when users make material available on platforms which place a significant amount of content on line without the permission of the rightholders.

Amendment 529

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place ***complaints*** and redress ***mechanisms*** that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

Amendment

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place ***effective mechanisms, including for complaint*** and redress, that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

Or. en

Amendment 530

Dietmar Köster

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Where a user makes use of the complaints and redress mechanisms referred to in paragraph 2, service providers and rightholders whose content is involved in any such conflict or dispute shall be obliged to resolve the conflict or dispute in a timely manner.*

Or. en

Amendment 531

Sylvie Guillaume, Pervenche Berès, Virginie Rozière

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments. ***In cooperation with the Member States, the Commission shall encourage the exchange of best practices across the Union regarding the results of any cooperation established pursuant to implementation of paragraph 1 of this Article.***

Or. fr

Amendment 532

Robert Rochefort

**Proposal for a directive
Article 13 – paragraph 3**

Text proposed by the Commission

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Amendment

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments. ***In cooperation with the Member States, the Commission shall encourage the exchange of best practices across the Union regarding the results of any cooperation established pursuant to implementation of paragraph 1 of this Article.***

Or. fr

Justification

Cooperation between rightholders and platforms must be stepped up and defined more clearly so that it can be implemented effectively and in a balanced manner. The Commission proposal does not go far enough to ensure that copyright applies fully when users make material available on platforms which place a significant amount of content on line without the permission of the rightholders.

Amendment 533

Emma McClarkin, John Procter, Angel Dzhambazki

**Proposal for a directive
Article 13 – paragraph 3**

Text proposed by the Commission

3. Member States ***shall*** facilitate, where appropriate, the cooperation between the information society service

Amendment

3. Member States ***may*** facilitate, where appropriate, the cooperation between the information society service

providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability **and affordability** of the technologies, and their effectiveness **in respect of the range of types of content and** in light of technological developments.

Or. en

Amendment 534

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, ***such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.***

Amendment

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers, ***user representatives*** and rightholders through stakeholder dialogues to define best practices ***for the implementation of paragraph 1 in a manner that is proportionate and efficient.***

Or. en

Amendment 535

Giorgos Grammatikakis, Julie Ward, Elena Gentile, Monika Smolková

Proposal for a directive Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Information society service providers that take measures as referred to in paragraph 1 shall ensure that such measures are in full compliance with Directive 95/46/EC and Directive 2002/58/EC, and the General Data Protection Regulation 2016/679.

Or. en

Amendment 536

Giorgos Grammatikakis, Sylvie Guillaume, Mary Honeyball, Luigi Morgano, Julie Ward, Theresa Griffin, Elena Gentile

**Proposal for a directive
Article 13 a (new)**

Text proposed by the Commission

Amendment

Article 13a

Licensing agreements for information society service providers that store and/or provide access to the public to significant amounts of copyright protected works or other subject-matter uploaded by their users

1. Information society service providers that store and/or provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public and of reproduction, shall conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council.

2. Service providers that play an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, are not eligible for the safe harbour liability

exemption.

3. Licences acquired by information society service providers shall cover all the acts of their individual users, which are not for direct or indirect economic or commercial advantage.

Or. en

Amendment 537

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

User Generated Content

Member States shall provide for an exception to the rights provided for in Articles 2, 3 and 4 of Directive 2001/29/EC, Article 5 and Article 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC, Articles 7(1) and 8(1) of Directive 2006/115/EC and Article 11(1) of this Directive in order to allow natural persons to use an existing work or other subject matter in the creation and use of a new work or other subject-matter, provided that:

- (a) the work or other subject-matter has already been lawfully made available to the public;**
- (b) the use of the new work is done solely for non-commercial purposes;**
- (c) the source - including, if available, the name of the author, performer, producer, or broadcaster - is indicated;**
- (d) there is a certain level of creativity in the new work which substantially differentiates it from the original work.**

Amendment 538
Helga Trüpel

Proposal for a directive
Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

***Legal licence for automated image
referencing services and mandatory
collective management***

***Member States shall provide that
information society service providers may
automatically reproduce or refer to visual
works of art for the purpose of indexing
and referencing (automated image
referencing services). For use permitted
pursuant to the above of their works by
automated image referencing services,
authors receive equitable remuneration
which is managed by mandatory collective
management organisations representing
visual authors.***

Or. en

Amendment 539
Helga Trüpel

Proposal for a directive
Article 13 b (new)

Text proposed by the Commission

Amendment

Article 13b

Unwaivable right to remuneration

***1. Member States shall ensure that
when a performer or an audiovisual
author has transferred or assigned his/her
making available right to a producer, that***

performer or author shall retain the right to obtain equitable remuneration.

2. This right to obtain equitable remuneration for the making available of performances or the author's work is inalienable and cannot be waived.

3. The administration of this right to obtain equitable remuneration for the making available of the performances or author's work shall be entrusted to collective management organisations representing performers or audiovisual authors, unless other collective agreements, including voluntary collective management agreements, guarantee such remuneration to audiovisual authors for their making available right.

4. Performers' or authors' collective management organisations shall collect the equitable remuneration from online platforms making performances or audiovisual works available to the public.

Or. en

Amendment 540

Giorgos Grammatikakis, Mary Honeyball, Julie Ward, Theresa Griffin

Proposal for a directive

Article 13 b (new)

Text proposed by the Commission

Amendment

Article 13b

Use of protected content by automated image referencing information society services

1. Information society services that automatically reproduce or refer to significant amounts of visual works of art for the purpose of indexing and referencing shall conclude licensing agreements with right holders in order to ensure the fair remuneration of visual

authors.

2. The licences acquired by information society services shall cover all the acts of their individual users, which are not for direct or indirect economic or commercial advantage.

Or. en

Amendment 541

Giorgos Grammatikakis, Sylvie Guillaume, Mary Honeyball, Julie Ward, Silvia Costa, Theresa Griffin, Elena Gentile, Monika Smolková

**Proposal for a directive
Article -14 (new)**

Text proposed by the Commission

Amendment

Article -14

Unwaivable right to fair remuneration for authors and performers

1. Member States shall ensure that when authors and performers transfer or assign their right of making available to the public, they retain the right to obtain fair remuneration derived from the exploitation of their work.

2. The right of an author or performer to obtain fair remuneration for the making available of his work cannot be waived.

3. The administration of this right to fair remuneration for the making available of an author's or performer's work shall be entrusted to their collective management organisations, unless other collective agreements, including voluntary collective management agreements, guarantee such remuneration to authors and performers for their making available right.

4. Collective management organisations shall collect the fair

remuneration from information society services making works available to the public.

Or. en

Amendment 542
Zdzisław Krasnodębski

Proposal for a directive
Article -14 (new)

Text proposed by the Commission

Amendment

Article -14

Unwaivable right to remuneration

- 1. Member States shall ensure that when an audiovisual author has transferred or assigned his/her making available right to a producer, that author shall retain the right to obtain equitable remuneration.***
- 2. This right to obtain equitable remuneration for the making available of the author's work is inalienable and cannot be waived.***
- 3. The administration of this right to obtain equitable remuneration for the making available of the author's work may be entrusted to collective management organisations representing audiovisual authors or be carried out by other collective agreements, including voluntary collective management agreements, which guarantee such remuneration to audiovisual authors for their making available right.***

Or. en

Amendment 543
Santiago Fisas Ayxelà

Proposal for a directive
Article -14 (new)

Text proposed by the Commission

Amendment

Article -14

***Right to remuneration for authors of
audiovisual works***

- 1. The authors of an audiovisual work have the right to obtain fair remuneration where they have transferred or ceded their right of making available to an audiovisual producer.***
- 2. That right to obtain fair remuneration for making available the author's work is unwaivable and non-transferable.***
- 3. The administration of this right to fair remuneration for the making available to the public of the author's work shall be entrusted to collective management organisations, which shall collect the corresponding fair remuneration.***
- 4. Member States shall ensure that the author of an audiovisual work receives that fair remuneration.***

Or. es

Amendment 544
Zdzisław Krasnodębski

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the

exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

exploitation ***and promotion*** of their works, ***including scientific works***, and performances from those to whom they have licensed or transferred their rights, ***as well as subsequent transferees or licensees, and their successors in title***, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

Amendment 545

Dietmar Köster

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis, ***at least once a year***, and taking into account the specificities of each sector, timely, adequate, ***accurate*** and sufficient information on the exploitation ***and promotion*** of their works and performances from those to whom they have licensed or transferred their rights ***as well as subsequent transferees or licensees***, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

Amendment 546

Giorgos Grammatikakis, Sylvie Guillaume, Mary Honeyball, Julie Ward, Theresa Griffin

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that authors and performers receive ***on a regular basis*** and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

1. Member States shall ensure that authors and performers receive ***at least once a year*** and taking into account the specificities of each sector, ***accurate***, timely, adequate and sufficient information on the exploitation ***and promotion*** of their works and performances from those to whom they have licensed or transferred their rights, ***including subsequent transferees or licensees***, notably as regards modes of ***promotion***, exploitation, revenues generated and remuneration due.

Or. en

Amendment 547
Helga Trüpel

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and ***no less than once a year and*** taking into account the specificities of each sector, timely, adequate, ***accurate*** and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights ***or their successors in title***, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

Amendment 548
Isabella Adinolfi

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate **and sufficient** information on the exploitation of their works and performances from those to whom **they have** licensed or **transferred** their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate, **accurate and comprehensive** information on the exploitation of their works and performances from those to whom **their works are** licensed or their rights **are transferred**, notably as regards **all** modes of exploitation, revenues generated and remuneration due.

Or. en

Amendment 549

Sabine Verheyen, Christian Ehler, Angelika Niebler, Herbert Reul, Jeroen Lenaers

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed, **assigned** or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

Amendment 550

Emma McClarkin, John Procter, Angel Dzhambazki

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have **directly** licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

Amendment 551

Isabella Adinolfi

Proposal for a directive

Article 14 – paragraph 2

Text proposed by the Commission

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate level of transparency in every sector. ***However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.***

Amendment

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate level of transparency in every sector.

Or. en

Amendment 552

Mary Honeyball, Julie Ward, Theresa Griffin

Proposal for a directive

Article 14 – paragraph 2

Text proposed by the Commission

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***an appropriate*** level of transparency in every sector. ***However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.***

Amendment

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***a high*** level of transparency in every sector, ***as well as a right of authors to audit.***

Or. en

Amendment 553

Helga Trüpel

Proposal for a directive

Article 14 – paragraph 2

Text proposed by the Commission

2. The obligation in paragraph 1 shall ***be proportionate and effective and shall*** ensure ***an appropriate*** level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.

Amendment

2. The obligation in paragraph 1 shall ensure ***a high*** level of transparency in every sector, ***as well as a right of authors to audit.*** However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1 ***under the condition that the level of disproportionality is duly justified, and*** provided that the obligation remains effective and ensures an appropriate level of transparency.

Or. en

Amendment 554
Dietmar Köster

Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***an appropriate*** level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.

Amendment

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***a high*** level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1 ***under the condition that the level of disproportionality is duly justified, and*** provided that the obligation remains effective and ensures an appropriate level of transparency

Or. en

Amendment 555
Zdzisław Krasnodebski

Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of

Amendment

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate level of transparency in every sector, ***as well as a right of authors and performers to audit.*** However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation

transparency.

remains effective, ***enforceable*** and ensures an appropriate level of transparency.

Or. en

Amendment 556

Giorgos Grammatikakis, Sylvie Guillaume

Proposal for a directive

Article 14 – paragraph 2

Text proposed by the Commission

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***an appropriate*** level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.

Amendment

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***a high*** level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency ***and the disproportionality is duly justified.***

Or. en

Amendment 557

Giorgos Grammatikakis, Sylvie Guillaume, Mary Honeyball, Julie Ward, Theresa Griffin, Monika Smolková

Proposal for a directive

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that sector-specific standard reporting statements and procedures are developed through stakeholder dialogues.

Amendment 558
Isabella Adinolfi

Proposal for a directive
Article 14 – paragraph 3

Text proposed by the Commission

Amendment

3. *Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.* **deleted**

Amendment 559
Helga Trüpel

Proposal for a directive
Article 14 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States *may decide* that the *obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.*
3. Member States *shall ensure* that the *representative organisations of relevant stakeholders determine sector-specific standard reporting statements and procedures and foster automated processing making use of digital technologies and international identifiers of works.*

Amendment 560
Emma McClarkin, John Procter, Angel Dzhambazki

Proposal for a directive
Article 14 – paragraph 3

Text proposed by the Commission

3. **Member States may decide that** the obligation in paragraph 1 **does** not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.

Amendment

3. The obligation in paragraph 1 **shall** not apply **when reporting obligations have been agreed by the parties or** when the contribution of the author or performer is not significant having regard to the overall work or performance.

Or. en

Amendment 561
Dietmar Köster

Proposal for a directive
Article 14 – paragraph 3

Text proposed by the Commission

3. Member States **may decide** that the **obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.**

Amendment

3. Member States **shall ensure** that the **representative organisations of relevant stakeholders determine sector-specific reporting standards and procedures.**

Or. en

Amendment 562
Giorgos Grammatikakis, Julie Ward

Proposal for a directive
Article 14 – paragraph 4

Text proposed by the Commission

4. Paragraph 1 shall not be applicable to entities subject to the transparency obligations established by Directive 2014/26/EU.

Amendment

4. Paragraph 1 shall not be applicable to entities subject to the transparency obligations established by Directive 2014/26/EU, **provided that Member States have transposed and implemented Directive 2014/26/EC correctly.**

Or. en

Amendment 563
Santiago Fisas Aixelà

Proposal for a directive
Article 14 – paragraph 4

Text proposed by the Commission

4. Paragraph 1 shall **not** be applicable to entities subject to the transparency obligations established by Directive 2014/26/EU.

Amendment

4. Paragraph 1 shall be applicable to entities subject to the transparency obligations established by Directive 2014/26/EU.

Or. es

Amendment 564
Dietmar Köster

Proposal for a directive
Article 14 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that where an author or performer has transferred or licensed a right to another party, the latter shall provide its contractor with the necessary information to permit the contractor exploiting works and performances to comply with the obligation laid down in paragraph 1.

Or. en

Amendment 565
Emma McClarkin, John Procter, Angel Dzhambazki

Proposal for a directive
Article 14 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *Where they exist, collective bargaining agreements shall take precedence over the obligations referred to in paragraph 4.*

Or. en

Amendment 566
Robert Rochefort

Proposal for a directive
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Fair remuneration

Member States shall ensure that authors and performers receive fair remuneration for each mode of exploitation of their protected works and other subject-matter. There must be separate remuneration for each application of the right of communication to the public within the meaning of Directive 2001/29 and for each act of reproduction of the content of authors and performers.

Or. fr

Justification

Authors and performers should benefit from any revenue derived from the digital exploitation of protected works and other subject-matter of which they are rightholders; this is all the more important in view of the increasing availability of their works and performances on the internet. They should also benefit from fair remuneration which befits each use of their creations, particularly in the audiovisual field.

Amendment 567
Helga Trüpel

Proposal for a directive
Article 15 – title

Text proposed by the Commission

Amendment

Contract adjustment mechanism

Remuneration for the use of works or performances

Or. en

Amendment 568

Isabella Adinolfi

Proposal for a directive

Article 15 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1 Member States shall, in all cases, ensure that authors and performers are entitled to a fair and proportionate remuneration of the revenues derived from the exploitation of their works.

Or. en

Amendment 569

Helga Trüpel

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall ensure that authors and performers are entitled to request additional, ***appropriate*** remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Member States shall ensure that authors and performers are entitled to ***proportionate and equitable remuneration of the revenues derived from the exploitation of their works and to*** request additional, ***equitable*** remuneration from the party with whom they entered into a contract for the exploitation of the rights, ***or their successors in title***, when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works

or performances. *Member States shall ensure that representative organisations of authors and performers, whether collective management organisations, unions or guilds, and representative organisations of users, set standards for equitable and proportionate remuneration of authors and performers for the use of their works and performances, taking into account the specificities of each sector.*

Or. en

Amendment 570

Emma McClarkin, John Procter, Angel Dzhambazki

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission

Member States *shall ensure* that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights *when* the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Amendment

Member States *may provide* that authors and performers, *where such rights are not managed by a collective management organisation or subject to a collective bargaining agreement and where existing provisions for modification or annulment of contracts for the exploitation of rights do not already exist*, are entitled to request additional, appropriate *and equitable* remuneration from the party with whom they entered *directly* into a contract for the exploitation of the rights. *This shall only apply in cases where the author or performer demonstrates that* the remuneration originally agreed is *manifestly and* disproportionately low compared to the subsequent relevant *net* revenues and benefits *directly* derived from the exploitation of the *particular author or performer's* works or performances. *Member States may provide that this right expires if it is not exercised within a reasonable period from the relevant exploitation.*

Amendment 571
Santiago Fisas Aixelà

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Amendment

Authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights. ***In addition,*** when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances, ***the party with whom they entered into a contract for the exploitation of the rights shall pay proportionate remuneration to the authors and performers. Member States shall ensure that this provision is complied with.***

Amendment 572
Dietmar Köster

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that authors and performers are entitled to ***request additional, appropriate*** remuneration ***from the party with whom they entered into a contract for the exploitation*** of the ***rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant*** revenues ***and benefits*** derived from the exploitation of ***the*** works ***or performances***.

Amendment

Member States shall ensure that authors and performers are entitled to ***proportionate and equitable*** remuneration of the revenues derived from the exploitation of ***their*** works.

Amendment 573
Zdzisław Krasnodębski

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that authors and performers are entitled to **request** additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent **relevant** revenues and benefits derived from the exploitation of the works or performances.

Amendment

Member States shall ensure that authors and performers, **or any representatives appointed by them**, are entitled to **claim** additional, appropriate **and equitable** remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent **net** revenues and benefits **directly** derived from the exploitation of the **particular author or performer's** works or performances.

Amendment 574
Giorgos Grammatikakis, Sylvie Guillaume, Julie Ward, Silvia Costa

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that authors and performers are entitled to request additional, **appropriate** remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Amendment

Member States shall ensure that authors and performers, **or representatives they appoint**, are entitled to request additional, **fair** remuneration from the party with whom they entered into a contract for the exploitation of the rights when **it is duly justified to claim that** the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the

exploitation of the works or performances.

Or. en

Amendment 575

Robert Rochefort

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues **and benefits** derived from the exploitation of the works or performances.

Amendment

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues derived from the exploitation of the works or performances.

Or. fr

Amendment 576

Martina Michels, Kostadinka Kuneva

Proposal for a directive

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Where a performer has transferred or assigned an exclusive right of making available on demand, the performer shall be entitled to equitable remuneration. Collection of the remuneration is provided without prejudice to existing national organisational schemes for collective management of copyright. The remuneration entitlement shall not prevent the choice of the creator on dissemination modes (i.e. creative

commons).

Or. en

Amendment 577

Dietmar Köster

Proposal for a directive

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that authors and performers or any representatives appointed by them are entitled to claim additional equitable remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent net revenues and benefits derived from the exploitation of the works or performances.

Or. en

Amendment 578

Helga Trüpel

Proposal for a directive

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

All Member States shall ensure that contracts include a rights reversion mechanism to enable the authors after ten years to terminate a contract in case of insufficient exploitation or payment of the remuneration provided for, as well as insufficient or lack of regular reporting and promotion.

Or. en

Amendment 579
Zdzisław Krasnodębski

Proposal for a directive
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

All Member States shall ensure that contracts include a rights reversion mechanism to enable the authors to terminate a contract in case of insufficient exploitation or payment of the remuneration provided for, as well as insufficient or lack of regular reporting and promotion.

Or. en

Amendment 580
Giorgos Grammatikakis, Sylvie Guillaume, Monika Smolková

Proposal for a directive
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.

Or. en

Amendment 581
Isabella Adinolfi

Proposal for a directive
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Any contractual provision contrary to paragraph 1 shall be unenforceable.

Or. en

Amendment 582

Dietmar Köster

Proposal for a directive

Article 15 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Member States shall ensure that representative organisations of authors and performers, and relevant representative organisations of right users, set standards for proportionate remuneration of authors and performers for the use of their works and performances, taking into account the specificities of each sector.

Or. en

Amendment 583

Giorgos Grammatikakis, Monika Smolková

Proposal for a directive

Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Rights reversion mechanism

1. Member States shall ensure that authors and performers that are in a contractual relationship with ongoing payment obligations, may terminate the contract by which they have licensed or transferred their rights when there is a complete absence of exploitation of their works and performances, a persistent

failure to pay the remuneration agreed or a complete lack of reporting and transparency.

2. The right to terminate the contract on the transfer or licencing of rights may be exercised if, within a year from the notification by the performer or author of his intention to terminate the contract, the contracting party fails to fulfil his contractual obligations with regard to the payment of the remuneration agreed. With regard to the absence of exploitation of a work and the complete lack of reporting and transparency the right to terminate the contract on the transfer or licencing of rights may be exercised if within five years from the notification by the performer or author of his intention to terminate the contract, the contracting party fails to fulfil his contractual obligations.

3. Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.

Or. en

Amendment 584

Marc Joulaud, Bogdan Brunon Wenta, Jean-Marie Cavada

Proposal for a directive

Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Unwaivable right to fair remuneration for authors and performers

1. Member States shall ensure that when authors and performers transfer or assign their right of making available to the public for on-demand services, they

retain the right to obtain additional fair remuneration for the direct exploitation of their work on these services, unless such remuneration is already guaranteed under their contract with the party to which they transferred or assigned their right.

2. The right to obtain fair remuneration guaranteed under paragraph 1 cannot be waived.

Or. en

Amendment 585
Dietmar Köster

Proposal for a directive
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Rights reversion mechanism

Member States shall ensure that contracts include a rights reversion mechanism to enable authors and performers to terminate a contract in case of insufficient exploitation or payment of the remuneration provided for, as well as insufficient or lack of regular reporting.

Or. en

Amendment 586
Helga Trüpel

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall provide that disputes concerning the transparency obligation

Member States shall provide that disputes concerning the transparency obligation

under Article 14 and *the contract adjustment mechanism* under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.

under Article 14 and *remuneration for the use of works or performances* under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure. *Proceedings in respect of a dispute may also be brought on behalf of authors and performers by their representative organisations, whether collective management organisations, unions or guilds.*

Or. en

Amendment 587
Zdzisław Krasnodębski

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.

Amendment

Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure. *Authors and performers or any representatives appointed by them may bring a claim to the alternative dispute resolution procedure.*

Or. en

Amendment 588
Isabella Adinolfi

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

Member States *shall* provide that disputes concerning the transparency obligation

Amendment

Without prejudice to other judicial remedies, Member States *may* provide that

under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.

disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary **and public** alternative dispute resolution procedure.

Or. en

Amendment 589

Emma McClarkin, John Procter, Angel Dzhambazki

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

Member States **shall** provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.

Amendment

Member States **may** provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.

Or. en

Amendment 590

Isabella Adinolfi

Proposal for a directive

Article 16 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Such a mechanism shall guarantee impartiality and be affordable, equally accessible and shall comply with the national constitutional rights and safeguards provided for the parties.

Or. en

Amendment 591
Dietmar Köster

Proposal for a directive
Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In case of a dispute, proceedings may also be brought on behalf of authors and performers by their appointed representative organisations.

Or. en

Amendment 592
Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive
Article 17 – paragraph 1 – point a
Directive 96/9/EC
Article 6 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) where there is use for the sole purpose of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];.

(b) where there is use for the sole purpose of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the ***optional*** exceptions and the limitation provided for in Directive [this Directive];.

Or. fr

Amendment 593
Julie Ward, Theresa Griffin, Mary Honeyball

Proposal for a directive
Article 17 – paragraph 1 – point a
Directive 96/9/EC
Article 6(2), point (b)

Text proposed by the Commission

(b) where there is use for the sole purpose of illustration for teaching or *scientific* research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

Amendment

(b) where there is use for the sole purpose of illustration for teaching or *academic* research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

Or. en

Amendment 594

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 17 – paragraph 1 – point b

Directive 96/9/EC

Article 9 – point b

Text proposed by the Commission

(b) in the case of extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];.

Amendment

(b) in the case of extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the *optional* exceptions and the limitation provided for in Directive [this Directive];.

Or. fr

Amendment 595

Julie Ward, Mary Honeyball, Theresa Griffin

Proposal for a directive

Article 17 – paragraph 1 – point b

Directive 96/9/EC

Article 9, point (b)

Text proposed by the Commission

Amendment

(b) in the case of extraction for the purposes of illustration for teaching or *scientific* research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

(b) in the case of extraction for the purposes of illustration for teaching or *academic* research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

Or. en

Amendment 596

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 17 – paragraph 2 – point a

Directive 2001/29/EC

Article 5 – paragraph 2 – point c

Text proposed by the Commission

(c) in respect of specific acts of reproduction made by publicly accessible libraries, educational establishments or museums, or by archives, which are not for direct or indirect economic or commercial advantage, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];.

Amendment

(c) in respect of specific acts of reproduction made by publicly accessible libraries, educational establishments or museums, or by archives, which are not for direct or indirect economic or commercial advantage, without prejudice to the *optional* exceptions and the limitation provided for in Directive [this Directive];.

Or. fr

Amendment 597

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 17 – paragraph 2 – point b

Directive 2001/29/EC

Article 5 – paragraph 3 – point a

Text proposed by the Commission

(a) use for the sole purpose of illustration for teaching or scientific

Amendment

(a) use for the sole purpose of illustration for teaching or scientific

research, as long as the source, including the author's name, is indicated, unless this turns out to be impossible and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];.

research, as long as the source, including the author's name, is indicated, unless this turns out to be impossible and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the *optional* exceptions and the limitation provided for in Directive [this Directive];.

Or. fr

Amendment 598

Julie Ward, Theresa Griffin, Mary Honeyball

Proposal for a directive

Article 17 – paragraph 2 – point b

Directive 2001/29/EC

Article 5(3), point (a)

Text proposed by the Commission

(a) use for the sole purpose of illustration for teaching or *scientific* research, as long as the source, including the author's name, is indicated, unless this turns out to be impossible and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

Amendment

(a) use for the sole purpose of illustration for teaching or *academic* research, as long as the source, including the author's name, is indicated, unless this turns out to be impossible and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

Or. en

Amendment 599

Helga Trüpel

Proposal for a directive

Article 17 – paragraph 2 – point b a (new)

Directive 2001/29/EC

Article 5 – paragraph 3 – point k

Present text

Amendment

(ba) point (k) of Article 5 (3) is amended as follows:

"(k) use for the purpose of caricature, parody or pastiche;"

"(k) use for the purpose of caricature, parody or pastiche, ***without prejudice to the exceptions and limitation provided for in Directive [this Directive];***"

Or. en

(This amendment seeks to amend a provision within the existing act - Article 5, paragraph 3, point (k) - that was not referred to in the Commission's proposal. Please note, however, that this amendment does not open any new substantial point in the revision of the Directive, but merely introduces a change necessary to ensure legal consistency with the Shadow's position.)

Justification

Many new works are created by using (parts of) pre-existing works such as user-generated content that is often uploaded on platforms or social-media networks.

Amendment 600
Isabella Adinolfi

Proposal for a directive
Article 17 – paragraph 2 – point b a (new)
Directive 2001/29/EC
Article 5 – paragraph 3 – point h

Present text

"(h) use of works, such as works of architecture or sculpture, made to be located permanently in public places;"

Amendment

(ba) point (h) of Article 5(3) is amended as follows:

"(h) use of works, such as works of architecture or sculpture, made to be located permanently in public places, ***without prejudice to the exceptions and limitation provided for in Directive [this Directive];***"

Or. en

(This amendment seeks to amend a provision within the existing act - Article 5, paragraph 3, point h - that was not referred to in the Commission proposal. Please note, however, that this amendment does not open any new substantial point in the revision of the Directive, but merely introduces a change necessary to ensure legal consistency with the Shadow's position.)

Amendment 601

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 17 – paragraph 2 – point b a (new)

Directive 2001/29/EC

Article 5 – paragraph 3 – point n

Present text

"(n) use by communication or making available, for the purpose of research or private study, to individual members of the public by dedicated terminals on the premises of establishments referred to in paragraph 2(c) of works and other subject-matter not subject to purchase or licensing terms which are contained in *their* collections;"

Amendment

(ba) point (n) of Article 5(3) is amended as follows:

"(n) use by communication or making available, for the purpose of research or private study, to individual members of the public by dedicated terminals on the premises of establishments referred to in paragraph 2(c) of works and other subject-matter not subject to purchase or licensing terms which are contained in *such establishments'* collections;"

Or. en

(This amendment seeks to amend a provision within the existing act - Article 5, paragraph 3, point n - that was not referred to in the Commission proposal.)

Amendment 602

Helga Trüpel, Lucy Anderson

Proposal for a directive

Article 17 – paragraph 2 – point b b (new)

Directive 2001/29/EC

Article 6 – paragraph 3

Present text

"3. For the purposes of this Directive, the expression "technological measures" means any technology, device or component that, in the normal course of its operation, is designed to prevent or restrict acts, in respect of works or other subject-matter, which are not authorised by the

Amendment

(bb) paragraph 3 of Article 6 is amended as follows:

"3. For the purposes of this Directive, the expression "technological measures" means any technology, device or component that, in the normal course of its operation, is designed to prevent or restrict acts, in respect of works or other subject-matter, which are not authorised by the

rightholder of any copyright or any right related to copyright as provided for by law or the sui generis right provided for in Chapter III of Directive 96/9/EC.

Technological measures shall be deemed "effective" where the use of a protected work or other subject-matter is controlled by the rightholders through application of an access control or protection process, such as encryption, scrambling or other transformation of the work or other subject-matter or a copy control mechanism, which achieves the protection objective."

rightholder of any copyright or any right related to copyright as provided for by law or the sui generis right provided for in Chapter III of Directive 96/9/EC ***or which are not authorised by national or Union law***. Technological measures shall be deemed "effective" where the use of a protected work or other subject-matter is controlled by the rightholders through application of an access control or protection process, such as encryption, scrambling or other transformation of the work or other subject-matter or a copy control mechanism, which achieves the protection objective."

Or. en

(This amendment seeks to amend a provision within the existing act - Article 6, paragraph 3 - that was not referred to in the Commission proposal. Please note, however, that this amendment does not open any new substantial point in the revision of the Directive, but merely introduces a change necessary to ensure legal consistency with the Shadow's position.)

Amendment 603

Helga Trüpel

on behalf of the Verts/ALE Group

Lucy Anderson

Proposal for a directive

Article 17 – paragraph 2 – point b c (new)

Directive 2001/29/EC

Article 6 – paragraph 4 – subparagraph 5 a (new)

Text proposed by the Commission

Amendment

(bc) the following subparagraph is added:

"The protections provided for in Article 6(1) and (2) shall not apply to acts described in paragraph 1 and 2 whose sole purpose is to enable a user's right to enjoy the exceptions and limitations to copyright and related rights outlined in this Directive or in Directive 96/9/EC, Directive 2009/24/EC Directive 2012/28/EU or Directive ... [this directive],

to the extent necessary to benefit from that exception or limitation and where that beneficiary has legal access to the protected work or subject-matter concerned."

Or. en

(This amendment seeks to amend a provision within the existing act - Article 6, paragraph 4 - that was not referred to in the Commission proposal. Please note, however, that this amendment does not open any new substantial point in the revision of the Directive, but merely introduces a change necessary to ensure legal consistency with the Shadow's position.)

Amendment 604

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 17 – paragraph 2 – point c

Directive 2001/29/EC

Article 12 – paragraph 4

Text proposed by the Commission

(e) to examine the impact of the transposition of Directive [this Directive] on the *functioning of the internal market* and to highlight any transposition difficulties;

Amendment

(e) to examine the impact of the transposition of Directive [this Directive] on the *proper balance between the interests of all parties involved* and to highlight any transposition difficulties;

Or. fr

Amendment 605

Isabella Adinolfi

Proposal for a directive

Article 17 – paragraph 2 a (new)

Directive 2006/115/EC

Article 6 – paragraph 1

Present text

"

Member States may derogate from the

Amendment

2a. Paragraph 1 of Article 6 is amended as follows:

"

Member States may derogate from the

exclusive right provided for in Article 1 in respect of public lending, provided that at least authors obtain a remuneration for such lending. Member States shall be free to determine this remuneration taking account of their cultural promotion objectives."

exclusive right provided for in Article 1 in respect of public lending, provided that at least authors obtain a remuneration for such lending, *without prejudice to the exceptions provided for in Directive [this Directive]*. Member States shall be free to determine this remuneration taking account of their cultural promotion objectives."

Or. en

(This amendment seeks to amend a provision within the existing act - Article 6, paragraph 1 - that was not referred to in the Commission proposal.)

Amendment 606

Yana Toom, Catherine Stihler, Dita Charanzová

Proposal for a directive

Article 17 – paragraph 2 a (new)

Directive 2006/115/EC

Article 6 – paragraph 1

Present text

"1. Member States *may* derogate from the exclusive right provided for in Article 1 in respect of public lending, provided that *at least* authors obtain *a* remuneration for such lending. Member States shall be free to determine *this* remuneration taking account of their cultural promotion objectives."

Amendment

2a. Paragraph 1 of Article 6 is amended as follows:

"1. Member States *shall* derogate from the exclusive right provided for in Article 1 in respect of public lending, *in any format*, provided that authors obtain remuneration for such lending. Member States shall be free to determine *that* remuneration taking account of their cultural promotion objectives."

Or. en

(This amendment seeks to amend a provision within the existing act - Article 6, paragraph 1 - that was not referred to in the Commission proposal.)

Amendment 607

Petra Kammerevert

Proposal for a directive

Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. *The provisions of Article 11 shall also apply to press publications published before [the date mentioned in Article 21(1)].* **deleted**

Or. de

Amendment 608

Martina Michels, Kostadinka Kuneva

**Proposal for a directive
Article 18 – paragraph 2**

Text proposed by the Commission

Amendment

2. *The provisions of Article 11 shall also apply to press publications published before [the date mentioned in Article 21(1)].* **deleted**

Or. en

Amendment 609

Emma McClarkin, John Procter, Angel Dzhambazki

**Proposal for a directive
Article 18 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. *The provision in Article 15 shall apply only in circumstances where the remuneration has become manifestly disproportionate after [the date mentioned in Article 21(1)].*

Or. en